Supreme Court U.S.
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No. _____

IN

THE SUPREME COURT OF THE UNITED STATES OF AMERICA

Glenn J. Hopkins, Cindy S. Hopkins
Petitioners
VS
Northbrook Mobile Home Park Corporation,
Ron Cottrell, Sheila Cottrell,
Respondents.

ON PETITON FOR A WRIT OF CERTIORARI

FROM THE ILLINOIS 4TH DISTRICT
COURT OF APPEALS
Hopkins v Northbrook -2001-L-0227; NO.04-05-0435
Northbrook v Hopkins-2001-LM-2161, NO.04-05-0186

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QUESTIONS PRESENTED

-Issue I-

As to whether or not the Illinois State Courts misuse the state court's doctrine of Resjudicata in violation of the 14th Amendment when all prior filed state and federal claims in another state court civil action are dismissed on resjudicata grounds without a hearing on the merits when, under the comity rule and state law, the pending issues could not be raised as a defense to a retaliatory state court action under Forcible Entry and Detainer?

-Issue II-

As to whether or not the State Courts finding that Hopkins federal claims were "frivolous" and *improper grounds for any state court relief* under 735-ILCS-5/2-1401(f) was an exercise of state power in conflict with the Supremacy Clause, in re Ex Parte Young, justifying this Supreme Courts intervention for the protection of rights established by Federal law *that have been invalidated by the state courts of Illinois*, in re *Fidelity Fed. Sav. & Loan Assn.* v. *De la Cuesta,* 458 U. S. 141 (1982)?

-Issue III-

As to whether or not there is a violation of 42-USC-1983 and 42-USC-1986 by the State courts when *instate special interests* conspire to act under color of a state law and known judicial policy with the intent to use the states judicial process to confiscate property and invalidate applicable federal and state laws under color of a state court doctrine of Resjudicata, in re Collins v Harker Heights, 503 U.S.115(1992?

-Issue IV-

As to whether or not the victims of such a "*conspiracy*" would have a cause of action for relief in the federal courts under 42-USC-1983, or should the victims be restricted to what is now a useless petition in a state court, *creating a question of how to obtain relief from constitutional violations and enforcement of federal law* arising from this type of corruption of the state judicial process, in re California Motor Transport, 404 U.S. 512-513, thus justifying this Courts review, in re West Lynn Creamery v. Healy, 512 U.S. 186 (1994)?

-Issue V-

As to whether or not the state Courts have the constitutional power to arbitrarily *redefine* "*what is due process*" under the Supremacy clause when this U.S. Supreme Court has already clearly defined that Due process requires written notice be served by the States within a reasonable time to respond, In Re Gault, 387 U.S. 1, (1967)?

-Issue VI-

As to whether or not the state courts are required to provide post judgment relief when there has been a failure to serve notice by the State, in re Hudson v Palmer, 468 U.S. 517 (1984)?

-Issue VII-

As to whether or not there has been a failure to accommodate violation of Title II of the ADA, 42-USC Sec. 12132 when a state court neglects to serve notice of the dismissal of a Civil rights action upon a pro-se disabled litigant within the time allowed for filing an appeal, then refusing to grant relief and sanctioning the petitioner for seeking relief within the time allowed by law?

Issue VIII-

As to whether or not Hopkins action in the District Court on the federal claims pertaining to this action had diligently *suspended the tolling of the state statute of limitations under 28-USC-1367(d)* as it applies to the time for filing a petition for relief in the State Court in both actions under 735-ILCS-5/2-1401(f), in re JINKS V. RICHLAND COUNTY, 538 U.S. 456 (2003) and Hudson v Palmer, 468 U.S. 517 (1984))?

-Issue IX-

As to whether or not that if state courts engage in retaliatory type conduct towards a party who is opposing the judicial usurpation of state law rights, discrimination, and unlawful deprivation of property under federal law, there is a foreseeable denial of due process that undermines the intent and the purpose of the United States Constitution that is defeating *this Courts authority under the Supremacy clause to determine what is the national policy as the legislature of Illinois and Congress intended it should be*?

-Issue X-

As to whether or not a State Court abuses its power by refusing to hear a justified good faith attack on the constitutionality of a State's law and policy when proven that state "law" and associated policy was used by private parties to confiscate property and invalidate federal law in conflict with the Supremacy Clause, see Silkwood v Kerr-McGee Corp. 464 U.S. 238 (1984)?

-Issue XI-

As to whether or not when a Judge refuses to recuse themselves on Motion to do so when there is reasonable evidence of a prior conspiracy by private parties in the courts at issue, was a severe abuse of discretion after a complaint had been filed against them for Title II ADA discrimination and participation in a conspiracy to violate Civil rights in violation of 42-U.S.C.-1983, and is it reasonable to presume this refusal to recuse has precluded the fair and meaningful determination of these claims in violation of the 14th Amendment?

-Issue XII-

As to whether or not the Illinois Supreme Courts policy *that leases do not have to be valid to be enforced under the Forcible Entry and Detainer Act*, has unconstitutionally created conditions in the State Courts that arbitrarily invades and deprives all disabled mobile home tenants in Illinois of the fair and meaningful protection of State and Federal law in their civil rights and property in violation of the 14th Amendment?

-Issue XIII-

As to whether or not the State court was in error in finding that denial of a court reporter to a memory impaired disabled person in this case was not discrimination in violation of Title II of the ADA in re Tennessee v Lane?

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2. *ALDEN V. MAINE, 527 U.S. 706 (1999). Page 18
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4. *Bank of Nova Scotia v. United States, 487 U.S. 250, 254-255 (1988) page 18
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7. Briscoe v Lahue, 460 U.S. 325 (1983) page 21
8.*California Motor Transport, 404 U.S. 512-513 page 26
9.* Caterpillar Inc. v. Williams, 482 U.S. 386, 392 (1987) page 13
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14. * Fidelity Fed. Sav. & Loan Assn. v. De la Cuesta, 458 U. S. 141 (1982) page 11
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29. *Parratt v. Taylor, 451 U.S. 527 (1981) page 10
30. * Pierson v Ray 386 U.S.547 (1967) page 21
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34. Screws v. United States, 325 U.S. 91 (1945) page 11
35. *Silkwood v Kerr-McGee Corp. 464 U.S. 238 page 11
36. *Soldal v. Cook County, Ill., 506 U.S. 56 page 12
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38. Testa v Katt, 330 U.S. 386 (1947) page 12
39. *Tumey v Ohio, 273U.S. 510 page 11
40. Washington v. Davis, 426 U.S. 229, 239-248,page 20
41. *Wilson v Garcia 471 U.S. 261 Page 20
42. *West Lynn Creamery v. Healy, 512 U.S. 186, page 21

Constitutional Issues

Article I- Commerce Clause
Article VI-Supremacy Clause

Amendment I

Amendment XIV

Federal Statutory provisions in Question

Title III of the Americans with Disabilities act, 42-U.S.C. Sec. 12182. - Prohibition of discrimination by public accommodations

Fair Housing Act 42-U.S.C. **Sec.** Sec. 3602. -3604, 3605, 3606, or 3617 of this title.

42-USC-1981- Equal rights under the law

42-USC-1983 Civil action for deprivation of rights: 42-USC§1986. Action for neglect to prevent

28-USC§-1367(c) and (d)

28-USC§-1343 **Civil rights and elective franchise**

STATE STATUTES IN QUESTION:

735 ILCS 5/2-619: Involuntary dismissal based upon certain defects or defenses. (a) Defendant may, within the time for pleading, file a motion for dismissal of the action or for other appropriate relief upon any of the following grounds. If the grounds do not appear on the face of the pleading attacked the motion shall be supported by affidavit: (3) That there is another action pending between the same parties for the same cause. (4)That the cause of action is barred by a prior judgment

Forcible Entry, (735 ILCS 5/9-102) When action may be maintained. (a) The person entitled to the possession of lands or tenements may be restored thereto under any of the following circumstances: (4) When any lessee of the lands or tenements, or any person holding under such lessee, holds possession without right after the termination of the lease or tenancy by its own limitation, condition or terms, or by notice to quit or otherwise.

(Forcible Entry 735 ILCS 5/9-106). Pleadings and evidence. On complaint by the party or parties entitled to the possession of such premises being filed in the circuit court for the county where such premises are situated, stating that such party is entitled to the possession of such premises (describing the same with reasonable certainty), and that the defendant (naming the defendant) unlawfully withholds the possession thereof from

him, her or them, the clerk of the court shall issue a summons. *The defendant may under a general denial of the allegations of the complaint offer in evidence any matter in defense of the action. Except as otherwise provided in Section 9-120, no matters not germane to the distinctive purpose of the proceeding shall be introduced by joinder, counterclaim or otherwise*. However, a claim for rent may be joined in the complaint, and judgment may be entered for the amount of rent found due.

Mobile Home Park Landlord and Tenants Rights Act, (765 ILCS 745/1) Sec. 1. Applicability. This Act shall regulate and determine legal rights, remedies and obligations of the parties to any lease of a mobile home or mobile home lot in a mobile home park containing five or more mobile homes within this State. Any lease, written or oral, shall be unenforceable insofar as any provision thereof conflicts with any provision of this Act.

Mobile Home Park Landlord and Tenants Rights Act (765 ILCS 745/6) Sec. 6. Obligation of Park Owner to Offer Written Lease. No person shall offer a mobile home or lot for rent or sale in a mobile home park without having first exhibited to the prospective tenant or purchaser a copy of the lease applicable to the respective mobile home park.

(a) The park owner shall be required to offer to each present and future tenant a written lease for a term of not less than 12 months, unless the parties agree to a different term subject to existing leases which shall be continued pursuant to their terms.

(c) The park owner shall notify his tenants in writing not later than 30 days after the effective date of this Act, that a written lease shall be available to the tenant and that such lease is being offered in compliance with and will conform to the requirements of this Act.

Mobile Home Park Landlord and Tenants Rights Act 765 ILCS 745/12: Sec. 12. Lease prohibitions.

No lease hereafter executed or Currently existing between a park owner and tenant in a mobile home park in this State shall contain any provision: (a) Permitting the park owner to charge a penalty fee for late payment of rent without allowing a tenant a minimum of 5 days beyond the date the rent is due in which to remit such payment;...(d) Permitting the park owner to transfer, or move, a mobile home to a different lot, including a different lot in the same mobile home park, during the term of the lease..

Mobile Home Park Landlord and Tenants Rights Act 765 ILCS 745/14: Rules and regulations of park. Rules and regulations promulgated and adopted by the park owner are enforceable against a tenant only if: (a) A copy of **all** rules and regulations was delivered by the park owner to the tenant **prior** to his signing the lease; (b) The purpose of such rules and regulations is to promote the Convenience, safety and welfare of the tenants, preserve park property from damage or to fairly distribute park services and facilities to the tenants; (c) They are reasonably related to the purpose for

which adopted; (d)They apply *to all tenants in a fair manner.*

Mobile Home Park Landlord and Tenants Rights Act 765 ILCS 745/16. Improper grounds for eviction. The following conduct by a tenant shall not constitute grounds for eviction or termination of the lease, nor shall a judgment for possession of the premises be entered against a tenant: (a) As a reprisal for the tenant's effort to secure or enforce any rights under the lease or the laws of the State of Illinois, or its governmental subdivisions of the United States; (b) As a reprisal for the tenant's good faith complaint to a governmental authority of the park owner's alleged violation of any health or safety law, regulation, code or ordinance, or State law or regulation which has as its objective the regulation of premises used for dwelling purposes;

Mobile Home Park Landlord and Tenants Rights Act 765 ILCS 745/21: Sec. 21. Remedies, Tenants. If the park owner fails to substantially conform to the lease agreement or fails to substantially comply with any code, statute, ordinance or regulation governing the operation of a mobile home park or the maintenance of the premises, the tenant may, on written notice to the park owner, terminate the lease and vacate the premises at any time during the first 30 days of occupancy After the expiration of said 30 days the tenant may terminate the lease only if he has remained in possession in reliance upon the park owner's written promise to correct all or any part

of the condition which would justify termination by the tenant under this Section. Any condition which deprives the tenant of substantial benefit and enjoyment which the park owner shall fail to remedy within 30 days after having received notice in writing of such condition shall constitute grounds for the tenant to terminate the lease and vacate the premises. No such notice shall be required where the condition renders the mobile home uninhabitable or poses an imminent threat to the health, welfare and safety of any occupant. If such condition was proximately caused by the willful or negligent act or omission of the park owner, the tenant may recover any damages sustained as a result of the condition including, but not limited to, reasonable expenditures necessary to obtain adequate substitute housing while the mobile home is uninhabitable. The tenant may sue to enforce all Sections of this Act and the court may award damages or grant any injunctive or other relief.

Consumer Fraud and unfair and Deceptive Business Practices Act; 815 ILCS 505/1: Sec. 1.

(c) The term "person" includes any natural person or his legal representative, partnership, corporation (domestic and foreign), company, trust, business entity or association, and any agent, employee, salesman, partner, officer, director, member, stockholder, associate, trustee or cestui que trust thereof; (d) The term "sale" includes any sale, offer for sale, or attempt to sell any merchandise for cash or on credit... (e) The term "consumer"

means any person who purchases or contracts for the purchase of merchandise not for resale in the ordinary course of his trade or business but for his use or that of a member of his household... (f) The terms "trade" and "commerce" mean the advertising, offering for sale, sale, or distribution of any services and any property, tangible or intangible, real, personal or mixed, and any other article, commodity, or thing of value wherever situated, and shall include any trade or commerce directly or indirectly affecting the people of this State.

Consumer Fraud and unfair and Deceptive Business Practices Act 815 ILCS 505/2 Unfair methods of competition and unfair or deceptive acts or practices, including but not limited to the use or employment of any deception fraud, false pretense, false promise, misrepresentation or the concealment, suppression or omission of any material fact, with intent that others rely upon the concealment, suppression or omission of such material fact, or the use or employment of any practice described in Section 2 of the "Uniform Deceptive Trade Practices Act", approved August 5, 1965, in the conduct of any trade or commerce are hereby declared unlawful whether any person has in fact been misled, deceived or damaged thereby. In construing this section consideration shall be given to the interpretations of the Federal Trade Commission and the federal courts relating to Section 5 (a) of the Federal Trade Commission Act.

735-ILCS-5/2-1401(f) ***Relief from judgments.***

(a) Relief from final orders and judgments, after 30 days from the entry thereof, may be had upon petition as provided in this Section. Writs of error coram nobis and coram vobis, bills of review and bills in the nature of bills of review are abolished. All relief heretofore obtainable and the grounds for such relief heretofore available, whether by any of the foregoing remedies or otherwise, shall be available in every case, by proceedings hereunder, regardless of the nature of the order or judgment from which relief is sought or of the proceedings in which it was entered.

(b) The petition must be filed in the same proceeding in which the order or judgment was entered but is not a continuation thereof. The petition must be supported by affidavit or other appropriate showing as to matters not of record. All parties to the petition shall be notified as provided by rule.

(c) Except as provided ... the petition must be filed not later than 2 years after the entry of the order or judgment. *Time during which the person seeking relief is under legal disability or duress or the ground for relief is fraudulently concealed shall be excluded in computing the period of 2 years.*

(d) The filing of a petition under this Section does not affect the order or judgment, or suspend its operation.

(f) Nothing contained in this Section affects any existing right to relief from a void order or judgment, or to employ any existing method to procure that relief.

-PRAYER-

Petitioners respectfully prays that a writ of Certiorari issue to review this cause, or in the alternative, a per curium Order to vacate the Judgment for sanctions and the judgments of the Illinois 7th Circuit Courts in re Hopkins v Northbrook - 2001-L-0227; and Northbrook v Hopkins-2001-LM-2161; and the subsequent Fourth District Appellate Court mandate, NO.04-05-0435, NO.04-05-0186, which the Illinois Supreme Court has refused to review.

-JURISDICTION-

The Jurisdiction of this Court to review the State Courts in re; NO.04-05-0435, NO.04-05-0186, is invoked under 28 U.S.C. 1257(a). The Jurisdiction of the Illinois Supreme Court was established under Federal law, 28 U.S.C. § 1367(d),. and state law under Illinois Supreme Court rules 301 and 315. Affidavit of Intent to Appeal filed April 25, 2006, The Illinois Supreme Court declined to review on September 27, 2006. Appeal was timely.

-STATEMENT OF THE CASE-

State law and state judicial policy has been employed by Private parties in the state Courts to invalidate applicable state and federal law and confiscate a disabled persons property. The state Courts found Hopkins claims of State law usurpation and federal civil rights violations were "frivolous,' and has issued sanctions in excess of $7.000 (seven thousand dollars),that is negating the intent and purpose of the 1st and the 14th Amendment in violation of the Supremacy Clause.

-Verified STATEMENT OF THE CASE FACTS -

(1.) Glenn J. Hopkins was a disabled Mobile home owner, and with his spouse, entered into a lease agreement for one of several available mobile home park lots owned by Respondent on March 24, 2001. Hopkins selected lot 73 on March 26, 2001, moved their mobile home into the park on March 29, 2001. (R.A. C000029, 38, and C000100, Index lines 2-7, and Hopkins v Northbrook, 2001-L-0227 Amended Complaint)

(2.) Northbrook retained control of the lease Documentation until Hopkins had moved the mobile home in, and subsequently thereafter modified the terms and conditions of the Hopkins original signed lease agreement from the Statutory 12 months as required under 765-ILCS-745/6, to seven months, and imposed handwritten conditions of continued tenancy that was specific only to Hopkins tenancy, without the prior knowledge or the consent of Hopkins, and thereafter served Hopkins a copy of this modified lease agreement on April 6, 2001, after Hopkins had moved in and had no funds to relocate. *There was no valid lease to the premises.* (R.A. C000100, Index lines 7-17 and Hopkins v Northbrook, 2001-L-0227 Amended Complaint S.R.A.C00059).

(3.) June rent was due June 1, 2001, and was paid on June 6, 2001. Northbrook thereafter demanded a late fee of $60.00 on June 10, 2001, claiming entitlement pursuant to terms of the lease, which Hopkins refused to pay, stating it was unlawful, and reported this matter to the Attorney General of Illinois. Northbrook canceled the skirting deal in

retaliation. (R.A. C000100, Index lines 17-21, C000101, index lines 6-9, and Hopkins v Northbrook, 2001-L-0227 Amended Complaint).

(4.) On June 27, 2001, Hopkins witnessed and reported to police an act of property damage on another tenant's property by Brandon Potts, an alleged business associate of Respondents operating Pine Ridge Mobile Home Sales. Potts then gave notice of eviction of Hopkins in retaliation for Hopkins calling the police, claiming the cause would be for not having painted the home in managements chosen color, not having skirting, and quoting the terms of the lease as if he were a party to them.[1] (R.A. C000101, Index lines 10-18, and Hopkins v Northbrook, 2001-L-0227 Amended Complaint S.R.A.C00068.)

(5.) Northbrook agents Ron and Sheila Cottrell subsequently that same day again demanded payment again of the late fee, then after it was refused, served verbal notice to move the home by the end of the month or Hopkins was to surrender title to their home[2], stating as cause the very same claims of failure to perform pursuant to terms of the lease as had Potts. (R.A. C000101, Index lines 19-24, and Hopkins v Northbrook, 2001-L-0227 Amended Complaint)

(6.) This verbal Notice of retaliatory eviction was followed by a written notice from the Council identified as Beth Wilkie on July 5, 2001 stating in

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[1] Potts has robbed, assaulted and battered Hopkins before when he managed another park, see C000269-272.

[2] Northbrook has used the Forcible entry action to obtain possession of the home, and demanded the title for "court costs".

writing the very same allegations. Note :The mobile home had been green and white tone when it was moved in, Northbrook had required it to be repainted solid gray, until they and Potts changed their minds[3], and then claimed the home had not been painted, and there was no skirting in that Northbrook breached an agreement to supply replacement skirting on June 10, 2001. Glenn Hopkins, a disabled person, unable to move his home, had such a severe anxiety attack that it caused a heart attack on July 11, 2001. (R.A. C000101, Index lines 24-28, and Hopkins v Northbrook, 2001-L-0227 Amended Complaint S.R.A.C00059)

(7.) Hopkins subsequently filed a Pro-Se Civil Action in the Seventh Circuit Court of Illinois for damages in excess of $50.000, and to enforce *allegedly protected* interests under both State and Federal laws against Northbrook on July 16, 2001. (R.A. C000101 Index line 30, C000102, index line 3)

(8.) While that action was pending hearing on a motion to amend and a preliminary Injunction for the protection of Hopkins property from an intervention action under the Forcible Entry and Detainer Act, Northbrook agents commenced dumping garbage and debris on Hopkins lot and the adjacent lot, threatening other tenants with eviction to intimidate witnesses, killing Hopkins dog "Buddie" by beating it to death while it was on a chain, and ordering wrecker services to seize Hopkins motor vehicles at night, thus repeatedly

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[3]one of many examples of Direct evidence of perjury the Appeals Court has "*objected to*," appendix c, page 43.

requiring police intervention to get them back, with three vehicles, a 1984 ford truck owned by Cindy Hopkins that was returned with sand in the oil pan that had destroyed it's engine, a 1989 Dodge Colt also owned by Cindy Hopkins (*to replace the truck*) that was returned without it's computer, and a 1985 Chevy Beretta that belonged to Serina Hopkins, (daughter) that was returned with a hole torn in its drivers side door and the transmission housing cracked, resulting in the total loss of the vehicles. (R.A. C000102, Index lines 4-5) (S.R.A.C00286)

(9.) Northbrook Council Manson, Lahr, and Beth Wilkie then brought a separate action for possession under color of the Illinois Code of Civil Procedures Forcible Entry and Detainer act, 735 ILCS 5/9-102/a (4) on November 2, 2001, which is the matter of Northbrook v Hopkins, 2001-LM-2161 that is also before this Court in this appeal. (R.A. C000001) Appendix B, H,

(10.) In that intervening action Hopkins, acting Pro-se, filed a combined Motion to dismiss under Illinois Code of Civil Procedures sections 2-619(3) and Section 2-615. These motions clearly disclosed that Northbrook was a defendant in a prior civil action brought by Hopkins as a disabled person entitled Hopkins v. Northbrook, 2001-L-0227 filed July 16, 2002, raising by Judicial Notice {That the action was under The Mobile Home Park Landlord and Tenants Rights Act, 765- ILCS-

745/1 et seq., The Consumer Fraud and Unfair Business practices Act 815-ILCS-505/2, and the Americans with Disabilities Act, 42-U.S.C. 12181.} Under Section 2-619(a) (3) Hopkins had claimed "That there is another action pending between the same parties for the same cause" which required that the second action between the same parties for the same cause was to be dismissed if a hearing of it would create a collateral estoppels bar to the prior filed cause, and disclosed under section 2-615 that Northbrook did not have a legitimate cause of action in that the lease was not valid, enumerating 5 specific provisions in the lease and its associated park rules that were in prima facie and unequivocal violation of the act, so that lease could not be enforced as a matter of law or equity under 765-ILCS-745/1. It was further alleged as clearly apparent that this second action was one of reprisal in violation of 765 ILCS 745/16, because filing a complaint in a Court meets (b) "As a reprisal for the tenant's good faith complaint to a governmental authority..." (R.A. C000102, Index lines 9-21)

(11.) Northbrook, represented in Northbrook v Hopkins 2001-LM-2161 by Beth Wilkie, with the assistance of Councils Manson and Nicholson who were also handling the first action, Hopkins v Northbrook 2001-L-0227, filed a response claiming Section 2-619(A) (3) did not apply to Forcible Entry actions as a matter of Illinois Supreme Court Policy, that the issue of validity of the lease and the park rules was properly matters

for their trial, stating a superior right of action. (R.A. C000102, Index lines 22-30, C000045-47).

(12.) Judge Shiffman, Trial Court of Northbrook v. Hopkins, 2001-LM-2161, while knowing Hopkins was impaired, refused to recuse himself, did not provide an attorney, denied Hopkins access to a Court reporter unless he could pay for it in advance. On December 20, Judge Shiffman denied the Motions to Dismiss without recording his reasons for his denial in the common law record. Hopkins recalls Judge Shiffman commenting that the issues of Federal disability law and the numerous state law violations of the Mobile Home Park Landlord and tenants Rights Act were not germane to this action of Forcible Entry, claiming that "*the lease did not have to be valid in order for Northbrook to bring action when the lease expired of its own limitations based on Fisher*. When Hopkins pointed out that this would result in dismissal of Hopkins action under Resjudicata, Judge Shiffman stated that "Hopkins was to take the issues of Northbrook's violations of law up with the other Court", Judge Shiffman citing People v Evans, *but not recording that fact in the record*. (R.A. C000103, Index lines 4-15)

(13.) A bench proceeding was held on January 2, 2002 with only the Court judge, Beth Wilkie, Sheila Cottrill, and Glenn Hopkins present. Hopkins issues related to the prior cause were precluded "as belonging to the other action" and not Germane, thus Hopkins could not "prove" his

affirmative defenses. Judgment was then entered for possession to Northbrook in that summary Bench proceeding without any method to record those proceedings.

(14.) Northbrook Council Almon Manson, in the hearing held on January 7, 2002 before Judge Cadigan, then verbally[4] moved to dismiss the civil action Hopkins v Northbrook 2001-L-0227 claiming there was resjudicata from the January 2, 2002 judgment. (In subsequent pleadings Manson represented the federal issues as having been raised and adjudicated, and that Hopkins had appealed Judge Shiffman's decision on January 23, 2002. Opinion, October 16th, 2002. See R.A. C000092.)

(15.) While Hopkins was appealing this decision of Judge Shiffman, Hopkins was not permitted to move his mobile home without paying the attorney fees *of both actions* by verbal order of Judge Shiffman on February 25, 2002. *Northbrook requested the title from the Court, and Hopkins refused,* and while Hopkins mobile home was kept in the park pursuant to Judge Shiffman's verbal order, Potts and Northbrook park management stripped the home of its furnace, washing machine and dryer, water heater, stove, refrigerator, electrical outlets, ceiling fans, leaving the home an empty shell full of Garbage, and utterly uninhabitable without paying thousands of dollars in repairs, resulting in total loss of their property

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[4] Had Manson filed a paper motion, Hopkins could then have filed a motion to vacate *due to the proof of the conspiracy.*

and a complaint of Judicial misconduct being filed against Judge Shiffman and the Court of Appeals. (R.A. C000320-321) **(16.)** On November 17, 2003, 30 days after denial of Hopkins first petition of Certiorari, (S.R.A.C00249) Hopkins discovered that Hopkins v Northbrook had been dismissed without notice on August 28, 2003 by order of Judge Cadigan.

(17.) Hopkins brought an action in the Federal Courts under Title II of the ADA, and 42- U.S.C. -1983 on December 8, 2003, R.A. C00197 Index lines 4-9. The District Court dismissed stating *Hopkins only recourse was a petition for relief in the state courts*. Hopkins filed a rule 59 Motion to reconsider, Relief was denied on April 20, 2004, that Court declaring the action was frivolous and threatened sanctions. R.A. C000188-215 and 223-226.

(18.) Hopkins filed joint petitions for relief in the state court on May 20, 2004. Judge Shiffman, when apprised of his part in a federal civil rights conspiracy violation, exercised the right to remain silent, choosing not to confirm or deny the issues of federal civil rights violations in the petitions. (R.A.C00498-504).

(19.) The 2-1401 petitions were then denied. Hopkins appealed, and moved to consolidate the two actions so as to straighten out this conflict of state and federal law and the fraud upon the court.

(20.) Hopkins appeal was found frivolous and Hopkins was sanctioned for petitioning for relief and then appealing that denial based on the District Courts judgment denying a rule 59 motion.

-REASONS FOR REVIEW-

INTRODUCTION

This cause concerns issues of Federal law in the state courts that were dismissed without a hearing on the merits under color of resjudicata and deprivation of property, both as a result of a conspiracy to violate civil rights, an issue that could not be raised and addressed in Hopkins first appeal to this Court, (in re; *Hopkins v Northbrook*, No. 03-5882, Cert denied Oct 15, 2003).

It is a matter of record that Northbrook has used state law and courts to confiscate Hopkins mobile home while creating a defense to Hopkins prior filed civil action under color of 2-619(a)(4).

I*t is a matter of record that* it was not known by Hopkins until after October 15, 2003 that the federal and state civil action had been dismissed on grounds of resjudicata on August 28, 2003-but no notice was given, and thus it could not be appealed, which is both a denial of due process and of the 1st Amendment.

It is a matter of record that the foreseeable and obvious end result of Northbrook's action in the state court has resulted in state law and judicial policy circumventing and *superseding state and applicable federal laws intended to protect disabled mobile home park tenants*, in conflict with EX PARTE YOUNG, 209 U.S. 123 (1908), and Silkwood v Kerr-McGee Corp. 464 U.S. 238 (1984).

The state Court of appeals treatment of this case is grounds to justify this U.S. Supreme Courts intervention for the protection of civil rights that

are established by the Constitution and Federal law because these laws are being denied any force and effect by the state courts on the basis of state law rules and a policy that has *clearly invalidated the constitution itself*, see Silkwood v Kerr-McGee Corp. 464 U.S. 238 (1984), Screws v. United States, 325 U.S. 91 (1945), Tumey v Ohio, 273U.S. 510, *Fidelity Fed. Sav. & Loan Assn.* v. *De la Cuesta*, 458 U. S. 141 (1982), and Tennessee v Lane, 539 U.S. 941 (2004).

-Arguments in support -

{1} A *Lack of due diligence by the state courts has created an indisputable Denial of Due Process, and has resulted in a violation of the supremacy Clause, which the State Courts claim is not proper grounds for relief under 2-1401(f).*

Issues of federal law are supposed to be supreme in any proceeding, and thus can only be raised in a state court proceeding *as part of a complaint*, (see Testa v Katt, 330 U.S. 386 (1947) and Caterpillar Inc. v. Williams, 482 U.S. 386, 392 (1987).

The facts of these two cases *combined* clearly show that Northbrook was a defendant in a federal and state law civil action in the state court because of the operators intentional violation of the Mobile Home Park Act- (which this Court has already found was sufficient to protect tenants rights "*if adequately enforced*", see Soldal v. Cook County, Ill., 506 U.S. 56 (1992)).

These state law rights however *are not actually viable*, as shown here by the fact that Northbrook was freely able to create a cause of action under

the Forcible Entry and Detainer act by the simple expedient of willfully violating the park act *in deliberately corrupting the terms and conditions of the lease*. (S.R.A.C00059).

Hopkins has pointed out to the state Courts that this is conduct *that is clearly forbidden* by the state's Legislature under 765 ILCS 745/1 and 745/6 of the Mobile Home park act, (*which is supposed to regulate these transactions,)* as well as by the Consumer Fraud Act 815 -ILCS 505/2, and the Federal laws under the Fair Housing Act *42-U.S.C. Sec. 3602*, and the ADA, 42-U.S.C. Sec. 12181. This deliberate and calculated violation of state (and federal law) by Northbrook et all *is actually due to the fact these laws are unenforceable because* under Forcible Entry and Detainer, and extant case law rules, (a) *Violations of state (and federal laws) by a landlord are not germane* to the question of the "right to possession", see People v Evans, 163 Ill. App. 3d 561, 516 N.E.2d 817 (1st Dist 1987) and; (b) *A lease is not* required in any case under Forcible Entry to be valid before it can be terminated by its "own limitations", see Rosewood Corporation V. Fisher 263 N.E.2d 833, (which should be noted is a judicial policy that prima facie *undermines the intent, purpose, and enforceability of the Mobile Home park act, see art 1 and 6)* and is thus a judicial usurpation of the intent and purpose of state law that is contrary to the will of the legislature.

Federal law has been treated the same way even though it is well known that a disabled person

can only raise their federal claims in the state courts in a complaint, see Caterpillar Inc. v. Williams, 482 U.S. 386, 392 (1987), *and it is equally well known that all such federal claims, while superior,(in re Silkwood), cannot be raised at any time in any way* that is a *defense to a state court action*, see the comity rule set forth in re Holmes v Vornado, 534 U.S. 1016 (2001).

It must be understood that just like Northbrook has in this case, *any landlord can freely use this state law action to preempt under color of resjudicata these prior state and federal causes of their tenants* if these actions have been brought in a state Court under the Parrat rule, leaving these tenants constitutionally disenfranchised, see Carpenter v Mobile World Inc, 194. Ill. App. 3d 830,839 551 N.E.2d 724,729 (1990), quoting from the Mandate of Appendix B, page 34; "*Thus, by holding a trial on the merits, the courts and the parties have already borne the burden of litigation, and thus the issue is addressed in the subsequent trial.*" There is no reference to subject matter jurisdiction.

It should be noted that the Appeals Court had *negligently refused* to take Judicial notice of the pending Federal laws at issue in the prior cause, see Osborne v. Ohio, 495 U. S. 103, 122-125, with the Appeals court admittedly stating; "*we note the record is insufficient as to this issue because the defendants failed to include a complete copy of the complaint from the other action.*" appendix b page 34.

It is pointed out that what the state Courts had demanded as a condition for Hopkins to receive judicial notice on these pending federal claims in their first Appeal, *Hopkins was actually forbidden from doing under the comity rule as this would have been "constructively raising" Hopkins federal issues as a defense to the state action*, see in re; Holmes v Vornado, 534 U.S. 1016 (2001).

Hopkins clearly did not violate the comity rule by attempting to raise federal claims as a defense, thus these issues were properly raised only by Judicial Notice, in re Osborne v. Ohio, 495 U. S. 103, 122-125..

The Appeals Court, having failed to take proper judicial notice of the pending federal claims, has stated that Northbrook's separate action under 735 ILCS5/9-102, et seq, (while omitting that the forcible entry action lacked any *subject matter jurisdiction* over the federal and state law issues) was a resjudicata bar to the civil action prior filed in a state court between the same parties under 2-619(4)(a), which although contrary to this U.S. Supreme courts rule against using ones rights to prevent others from the exercise of their rights, see in re Nebbia v New York 291 U.S. 502 (1934), it *is nonetheless considered an accepted state court practice* when it comes to landlord tenant actions.

This "policy" is clearly "pretense due process" that has been established by the state Courts in all Landlord tenant cases- even though it is known to be based on a limited state law proceeding that is admittedly lacking due process,

see Bank of Belleville v. Stidmire 119 Ill. Sup. 3d 73 456 N.E. Ed 175 74 Ill. Dec. 673 (5th District 1983).

It should be noted that the appeals Court, when confronted on appeal by the records showing the facts of Hopkins compliance with the Comity rule that were claimed to have precluded Hopkins from raising these federal and state law claims in the prior proceeding, and *that subject matter jurisdiction is essential for due process* that *the Court should have diligently noted* in the first appeal *but had negligently had failed to do so*, has shifted and "restated' their position, see Appendix C page 49; "*The proper course of action for Hopkins would have been to timely appeal the circuit courts dismissal of their civil action, raising each of the issues they submit in their 2-1401 petition.*" This statement is arbitrarily unfair as it "omits" the rather obvious *fact* that that the record shows clearly that Notice of the dismissal *was never served upon Hopkins* as a matter of Illinois Supreme court policy that would otherwise would have allowed them "to timely appeal." *There was no notice ever given-the Court of Appeals knew that!*

Therefore, was Hopkins denied due process?

Furthermore, the statement of the appellate Court cited above cannot actually be reconciled with that state courts policy that is stated in the order in the following statement; quote; "*a reasonable attorney would not have filed a 2-1401 petition for the dismissal of the civil action having*

"twice" been put on notice that the issues sought to be raised were barred by resjudicata...

The order is clearly contradictory on this because even if notice had been timely served and the appeal taken, the court seems to *admit* it would have been "an exercise of futility" due to that Courts admittedly *finding the Forcible Entry action to be "resjudicata"* to the prior federal claims, this being implicit as the Court asserts that the claims were frivolous, quote; "*..the issues sought to be raised were barred by resjudicata..*" Appendix C, page 50.

The Order admits that it has been clearly explained by Hopkins to the state Courts that "*Subject matter jurisdiction" is required as a clear matter of due process for any state Court judgment to be held as resjudicata, see* McClellan v. Carland, 217 U.S. 268, 282 (1910), (R.A.C00498-504) *and that such jurisdiction* arises only when a State Court *Plaintiff* raises the federal issue in their state court complaint, see in re Caterpillar Inc. v. Williams, 482 U.S. 386, 392 (1987).

It was also pointed out that these issues of federal law in the State Courts *obviously cannot otherwise be raised or introduced by any State Court defendant on a motion to dismiss, by answer, or by a counter claim in any defense to a state law action* under the comity rule.

Hopkins had clearly explained that this comity rule exists because of the primacy of federal law, *which preempts any state law*, see in re; Silkwood v Kerr-McGee Corp. 464 U.S. 238 (1984), and

Free v Bland, 369 U.S. 663, and thus the rule acts to *protect the States right to enforce their own laws in their own Courts*, see in re; Holmes v Vornado, 534 U.S. 1016 (2001), by barring the raising of issues of federal law *except by means of a state court complaint*.(R.A.C00498-504).

This state right to enforce their own laws in their own courts does not confer upon the State courts *the right to disregard the constraints of the Constitution,* see in re Bank of Nova Scotia v. United States, 487 U.S. 250, 254-255 (1988) by invalidating the force and effect of applicable federal law under color of state court resjudicata, see in re ALDEN V. MAINE, 527 U.S. 706 (1999), which was known to be prohibited conduct, in re; Screws v. United States, 325 U.S. 91 (1945), and Powell v Alabama, 287 U.S. 45 (1932). (R.A.C00498-504).

Hopkins has indisputably raised all of the above *federal law and due process issues. What is interesting is that* these claims are ambiguously declared by the 4th District Court of appeals *to be not in good faith*, and that this *bad faith in raising these* (federal) issues has "justified" severe sanctions against Hopkins and counsel, Appendix C page 51; *...the courts declined to impose monetary sanctions because Hopkins were pro-se. However it is clear that this generous approach has not stopped the Hopkins from engaging in frivolous litigation against Northbrook."*

These statements as to Hopkins engaging in *"frivolous" litigation are* allegedly in reference to Hopkins federal law issues in these state court proceedings-(R.A.C00498-504)- proving *prima facie* that Federal laws in the State courts of Illinois *are intentionally being denied force and effect* in the state courts in regards to landlord tenant.

This is contended to be judicial protectionism of special interests that is in conflict with the Supremacy Clause, see West Lynn Creamery v. Healy, 512 U.S. 186 (1994), and shold be stopped by this court as this is state conduct that is *clearly* undermining the U.S. Constitutions authority in Illinois to determine *what is proper national policy as it should be applied to all the disabled citizens living in Illinois,* See Associated Industries of Missouri v Lohman, 114 S. Ct. 1815, 128 L. Ed. 2d 639 (1994).(*States cannot delegate the power to violate the constitution to its Courts as this is a power they do not have.*)

{2} Judicial participation in a conspiracy.

According to the 4th District Court of Appeals, a second separate action under color of 735 ILCS 5/9-102, et seq, by a defendant landlord, does not constitute in any case "a violation of 42-U.S.C.§1983" when the judgment thereafter becomes a resjudicata bar to a prior filed federal action in the state court because such an action under the Forcible entry act is one that is permitted under state law, thus the §1983 claim is "frivolous", see appendix c, page 49; quote; "..,

including the suggestion that the state courts have conspired to violate Hopkins federal due process rights under 42-USC§1983."

This Court needs to address this issue, as it is believed to be not unfair *in this case* to claim the state courts were a party, either voluntarily or involuntarily, to a conspiracy by a private business to violate civil rights, in re Collins v Harker Heights, 503 U.S.115 (1992) when the official conduct concerns state judicial officials who thus should have known that *they were acting outside the limits laid out by the constitution,* see also Washington v. Davis, 426 U.S. 229, 239-248, in their allowing the "*private use of challenged State procedures with the help of State Officials*" to violate civil rights see Lugar v Edmondson Oil Company Inc, 457.U.S. 922, and Oklahoma City v Tuttle, 471 U.S. 808.

Hopkins points out that 42-U.S.C.§1983 actions arise from actions under state law that violate Civil rights (*which include the protection of property under the 4th Amendment*), see Wilson v Garcia 471 U.S. 261 (1985), as; (1) the deprivation must be caused by the exercise by a party *of some right or a privilege that is created by the State*, and; (2) the party charged with the deprivation must be a person *who may be fairly said to be a state actor* either because he is a state official, *or is a private party who has obtained significant aid from State Officials.*

As was carefully explained to the State Courts in the petitions for relief, and appeal brief, *the State Courts had been misled by Northbrook's misfeasance under a defective law,* which created due process grounds for relief as 42- U.S.C. §1983 does not require the state official(s) to be *intentional* conspirators, See Collins v Harker Heights, 503 U.S.115(1992).

The Appeals Court refuses to admit however that Northbrook has done anything wrong when the facts show that Northbrook did obtain a judgment in a state court forum that is contested as to it's constitutional validity because *Northbrook did not have to face at any time any of Hopkins federal and state law issues,* and thus was able to obtain from the State's "judiciary" "a state court judgment" that has became a shield under state court resjudicata to all prior filed state and federal claims action, and in the process, the State Courts have allowed Northbrook to confiscate Hopkins property, a mobile home worth $6.000. (This type of "*confiscation*" is *a form of grand theft that was not covered by insurance*- making Hopkins a "crime victim" who is *without any protection of law because* the state Courts were used instead of a gun). *This type of conduct is an abuse of judicial independence that gives all courts a black eye, justifying public distrust and contempt.*

The State Courts *as institutions* thus cannot be allowed to be "exempt" in such a case as "state actors", (and nothing shows that the constitution or congress had ever intended that state courts actions

created by the willful misuse of state law by private parties to violate civil rights ever should be absolutely immune as to "to creating state liability" under 42-U.S.C.-1983, based on Pierson v Ray 386 U.S.547 (1967) and Marshalls dissent in re Briscoe v Lahue, 460 U.S. 325 (1983)). Northbrook's action was without question a 42-USC-1983 type of violation.

The Court of Appeals has said these conspiracy claims are "frivolous", see appendix c page 46, and are not grounds in any case for relief in the Illinois courts under 2-1401, and has sanctioned Hopkins and counsel for even trying to obtain relief under color of Hudson v Palmer, 468 U.S. 517 (1984), and Tennessee v Lane, 539 U.S. 941 (2004),- thus a paradox now exists *that only this Court can now resolve*, see Norris v Alabama, 294 U.S. 587(1935);

"*When a federal right has been specifically setup and claimed in a state court, it is our province to inquire not merely it was denied in express terms, but also determine whether it was denied in substance or effect.*" Hopkins state and Federal rights have been denied in both substance and effect, requiring this Courts enforcement of the Constitution's Supremacy Clause, citing Justice Cardoza: "*Nothing can destroy a government more quickly than it's failure to observe it's own laws, or worse, it's disregard for the charter of it's own existence.*"

{3} The Illinois Supreme Court no longer requires that the clerks serve notice;

This U.S. Supreme Court has clearly defined that Due process requires written notice be served within a reasonable time to respond, In Re Gault, 387U.S. 1, (1967). The facts show that the state Court *did not serve notice of the judgment dismissing the Civil action*, whether it was by accident *or compliance with Illinois rules*. The record shows that while the Court directly ordered notice was to be served on the defense attorney of record, (i.e. Almon Manson), Hopkins was known to be pro-se, and Hopkins was not ordered to be served notice.

The records prove that *no attempt to serve notice was ever made*. It was pointed out in the Petitions for relief that Due process required this service of notice. Trial Court *denied this Courts rule of law*, claiming that Hopkins instead had "an obligation to check their case for judgments," citing Mitchell v Fiat Allis, 158 Ill. 2d 143, 632 N.E.2d 1010, 198 Ill. Dec. 399, in *which the Illinois supreme court has overruled Gault under a state rule regulating attorney conduct, which Hopkins points out is not in any way pertinent* to the issue as to failing to accommodate a pro- se disabled person without counsel by fair and timely service of notice of dismissal in time to appeal.

The Illinois Supreme Court had this pointed out as well, and *refuses to alter its policy to conform with the prior rule*. By any definition, this state court practice automatically annuls in re Gault.

{4} Hopkins action was timely under 28-USC-1367d:

According to the 4th District Court of Appeals, the dismissal of the prior filed Civil Action on "state Resjudicata" grounds without service of notice in time to appeal, and the confiscation of Hopkins property, did not justify Hopkins taking action against the state courts and Northbrook in the U.S. District Courts under Title II of the ADA and 42-U.S.C. §1983.

Counsel points out that Hopkins 1st Amendment rights had been disposed of by the state's refusal to serve notice of dismissal, see Johnson v Avery, 393 U.S. 483, 485 (1969), along with a due process denial that combined with Northbrook's intentional misuse use of state law to prevent a hearing on the merits through a patently inapplicable resjudicata, see in re; Nebbia v New York 291 U.S. 502 (1934) and McClellan v. Carland, 217 U.S. 268, 282 (1910), was clearly elements of a conspiracy by a private business to use the state Courts to violate Hopkins civil rights that had created a federal cause of action in re 42-USC§1983.

Hopkins should have had a constitutional right to a cause of action against Northbrook *in the District Federal courts* under 42-USC§1983, see Mitchum v Foster 407 U.S. 225, 242 (1972).

Counsel points out there was no clear justification that was sufficient to justify to the people as to the District court to be seemingly "*turning its back on the fraud and constitutional*

violations" and thus allowing these 42-USC§1983 violations to go unchallenged. Her response to Hopkins rule 59 motion clearly showed that the District Court had been seriously aggravated by Hopkins claims of conspiracy violations involving her "friends" on the state courts, and that she had made it very clear that any such actions for relief under these claims must be taken to the state courts, not hers-which in a way, Hopkins states she may have been right *because the State Courts deserved the chance to correct their misuse*. R.A. C000188-215 and 223-226.

Thus, while it is reasonably believed the action in the District Court under Title II of the ADA and 42-USC§1983 was of itself valid, (*there is no actual requirement that the federal action must have been valid*), with the dismissal of the action by the District Court with notice by that court *that these claims should be filed in the state courts as a petition for relief*, the merits of the District Court action became immaterial under 28-USC§1367(d), see JINKS V. RICHLAND COUNTY, 538 U.S. 456 (2003).

The petitions in both state court proceedings were thus timely filed when filed within 30 days of the District Courts dismissal. The Court of Appeals however refused to even consider the issue of timeliness under 28-USC-1367d which was raised on Petition for relief and appeal (though the Court made no actual reference to that law).

That Court made a statement the action wasn't timely under state law. (while intentionally omitting the federal law issue, which Hopkins claims is dishonest and appears to be an attempt to avoid review by this Court.)

{5} *RETALITATON for Hopkins opposing discrimination?:* The presiding judge of the Court of Appeals, (Judge Turner,) denied the motion to recuse for cause, and took part in both cases even though he knew that Hopkins had filed discrimination and misconduct charges against the Courts with both the Department of Justice, FBI, and the State Judicial Review Board.

This subsequent refusal to recuse, followed by the excessive use of rules to avoid considering the actual federal law merits at issue in this case, was an exercise of judicial power that was, "in essence", *retaliatory conduct*-it appears Judge Turner was trying to protect his reputation or worse, punish Hopkins for daring to accuse the courts of discrimination and complicity under 1981-and 83.

Hopkins respectfully points out that while any reasonable doubts here *clearly should be resolved in favor of the integrity, competence, and proper performance of official duties*, see in re Bute v Illinois, 333 U.S. 640 (1948), it's argued to be quite a different story when *there is any substantive, if not compelling evidence of improper state court conduct.*

The Appeals Courts "conduct' is therefore *not in this case entitled* to any "*presumption*" of good faith due to the refusal to recuse to avoid any sense of impropriety in the face of a clear conspiracy that has without any doubt *been proven to have been used to defeat the intent and purpose of both state and federal law*, which has corrupted the state courts as defined by this courts rule in re; California Motor Transport, 404 U.S. 512-513. *As Prima Facie evidence of this judicial corruption and retaliation against Hopkins;* (1.) It should be noted that the time for filing a Petition for relief under state law is two years, (unless one takes part of the matter to federal court which suspends the tolling under 28-USC§1367(d).) Hopkins v Northbrook was dismissed on August 28, 2003 *without service of notice*, the District court case was filed December 8, 2003, and dismissed on April 21, 2004, with the petition for relief in the Civil action filed May 20, 2004, *all less than two years after the state court dismissal of the civil action.* Northbrook v Hopkins entered final judgment on January 2, 2002. The Statute of limitations *would have expired on January 2, 2004* except for the federal action filed in December/03.

A reasonable interpretation of 28-U.S.C.§1367(d) supports the application of this federal law as to the issue of the timeliness of these state court petitions for relief. The 4th District Court *refused to even consider this issue, stating that Hopkins had not acted timely with due*

diligence as a matter of state law(while making an ambiguous reference to tolling) in filing their state court petitions for relief as to the Civil action. The 4th District Court instead has declared that Hopkins federal based issues and claims (as to the denial of due process) *were frivolous*, even though based in good faith on this Courts holdings, and has struck the Appellants brief that was proving these federal law violation claims for the "*implausible*" reasons very clearly shown hereafter as follows:

Ill. Sup. Ct. Rule 341 (a) states Brief Page Limitations "shall each be limited to 50 pages *if printed, or 75 pages if not printed."* and Ill. Sup. Ct. Rule 344(b), Form of Briefs and Abstracts states: "If printed, the brief shall be on paper 6¾ by 10 inches in type not smaller than 11 point. Footnotes are discouraged. *If not printed, the brief shall be legibly and neatly produced on paper 8½ by 11 inches..."* The 4th District Court of appeals has obviously rewrote the law for the benefit of Northbrook, contrary to the public's best interest that the Illinois Supreme Court ignored in that the 4th District Court has claimed that Hopkins brief was a printed brief on 8 ½ by 11 inch paper of 69 pages which had supposedly exceeded the length permitted of 50 pages.

That finding is contrary to the rather all too obvious fact that a brief that is made on 8 ½ by 11 inch paper would not be a printed brief, and only physically match the definition for a nonprinted brief -whose page limits are 75 pages, but the

Court has "disagreed", quote; "*Hopkins has cited no authority for this novel interpretation of rule 341(* and we are not persuaded by their argument." Appendix C, page 42. The Illinois Supreme court declined making such authority.

(b) *Next*, The Court "attacked" Counsels use of footnotes-which are discouraged in only one form of brief, *but are not barred in either of the two types. It should be noted that this was a combined appeal of complexity* due to issues of federal vs state law, clear fraud, perjury and misfeasance *that fairly must be pleaded with particularity.*

Counsel was only using the Footnotes for clarity of the facts and law linking the two cases and merging of the issues. If the brief was in fact "confusing" because of this, the Court properly should have ordered amendment *because of the importance of the federal issues in this controversy.*

The brief was not all that confusing *to any reasonable person, it was only found so and rejected because* the 4th District Court *refused to accept the accurate* issues of federal law, fraud and misfeasance *raised in the combined appeal* which if true, proved an unconscionable error, in re Bennis v. Michigan, 517 U.S. 1163 (1996).

It is apparent that court *unwisely* went looking for Hopkins "violations" of the rules to justify their refusing to hear the "federal" merits, thus while Hopkins may have made mistakes, as maybe did counsel, nothing warranted that Court ignoring the facts and issues.

That Court has *granted sanctions for Northbrook* in the face of facts that show indisputably that Northbrook has used the law to rob a disabled person, and were in blatant violation of other state and federal laws. In the light of the very real "conspiracy issues' that has set the constitution at naught, this type of conduct of the state Court of Appeals is contrary to both the intent and purpose of constitutional "due process", see in re Degan v United States, 517 U.S. 820 (1996).

- CONCLUSION-

Something is very clearly wrong with any state court that thinks its legitimate use of the courts for a Park operator to act under color of law to confiscate a disabled person's property and deny the right to be heard. The Courts refusal to scrutinize this case indicates the Court may have been involved in something that had to avoid scrutiny in order to succeed. It cannot be justified that just because Hopkins were disabled tenants in a state judicial system *where clearly the state Courts deny that any tenants have any rights*, that these federal rights should be denied, see Hopkins first Petition for Certiorari, Hopkins v Northbrook 03-5882. (cert. denied October 15, 2003).

Federal laws *and supposedly protected civil rights*, (as defined as the rule of law by this Court,) mean absolutely nothing if they cannot possibly be enforced in the State Courts. This case proves that if brought in the state court, they cannot be enforced in Illinois, the Forcible Entry and Detainer act stands as bar.

It defies the meaning and intent of the Constitution itself when a private business can freely use the state courts to rob a disabled person, followed by a subsequent state court judgment "*to cover it up*" by state judicial officials who, either voluntarily or involuntarily, had participated in this conduct that so obviously usurps the State and federal rights of *the real injured party without the opportunity to be heard.*

Hopkins prays that this U.S. Supreme Court shall grant certiorari, or whatever Equity relief Per Curium this Court finds to be appropriate to these facts and circumstances.

OATH AND AFFIRMATION

We affirm that the foregoing is true except as to statements made upon information and belief, and as to those, We believe them to be true. Witness our hand under the penalties of perjury, this 27 day of Feb 2007

Glenn Hopkins, Glenn J Hopkins

Cindy Hopkins Cindy S Hopkins

By their attorney: William Shaffer

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Appendix A:

Northbrook Mobile Home Park Plaintiff respondent

v- 2001-LM-2161

Hopkins-Defendant Petitioner

Dismissal order of Judge Hall, issued January 12, 2005; "Plaintiff in Court by Attorney Nicholson. Defendant in Court in person and by Attorney Shaffer. Although the Court feels that it has lost jurisdiction due to the time that has elapsed since the judgment, even assuming that Defendants appeal tolled the time, the Court will address Defendants issue. Under Tennessee v Lane, a disabled person must receive modifications to allow him or her to participate in the judicial process, but only when the disabled person is otherwise eligible for service. In this case, no litigants is given the right to a court reporter, and therefore, a brain damaged person would also not have that right. That slippery slope would lead to the right of an attorney in civil cases for people with limited intellectual abilities. While that would not be a bad idea, no such right presently exists. In addition to the reasons stated above, defendants Motion for Relief from Judgment is denied as moot in that Defendant does not wish to return to the mobile home from which he was evicted[5]. He requests an award greater than $50.000 from the State of Illinois for denial of due process and /or violations of the American with Disabilities act, However the state is not a party to this case, and this Court would not have jurisdiction over such a matter. Motion denied, cause stricken."

January 24, 2005; Called on objection to ex Parte Communication (Motion to Vacate Judgment). Motion denied. The Court cannot recall if a request was

[5] Court failed to note Hopkins home had been destroyed.

made by Plaintiff to provide case law as to jurisdiction or whether such a request was granted, but the question is irrelevant in that the Court denied Hopkins motions on its substantive merits, not on Northbrook's argument as to lack of jurisdiction. Notice to be given by clerk to attorneys."

Hopkins, et all
Plaintiff petitioner
v. 2001-L-0227
Northbrook et all.
Defendant respondents
February 28, 2004

-ORAL FINDING OF JUDGE CADIGAN-

"Hopkins cannot obtain relief under 2-1401 from the States failure to serve notice of judgment that would have allowed appeal as a matter of Illinois Supreme Court policy because Hopkins had the duty to check his case for judgments. Whatever the merits of Hopkins Federal issues, I find since Judge Shiffman has already found for Northbrook, this would be relitigating the same issues- I consider his claims are all barred by resjudicata. Hopkins ADA claims may have merit but the State is not a party to the action. I am granting sanctions that bar Hopkins from any further filings in this matter before this Court without leave of Court, Northbrook is instructed to prepare such order."

Appendix B.

Mandate 4-02-0085

4th District Appellate Court of Illinois

Northbrook Mobile Home park, Appellees

V

Glenn and Cindy Hopkins, Appellants

2001-LM-2161, Judge Stuart Shiffman

before Judges: J. Turner, J. Knecht, J. Cook

Rule 23 Order dated October 18, 2002.

In November of 2001, Plaintiff Northbrook Mobile Home community corporation, filed a complaint for forcible entry and detainer against the defendants Glenn and Cindy Hopkins. Defendants filed a motion to dismiss asserting the cause should be dismissed under{1} section 2-619(a)(3) of the code of civil procedure (code) (735-ILCS-2-619(a)(3) (West 2000) because defendants had filed a complaint against Plaintiff based on the lease between the parties, and {2} section 2-615 of the Code (735-ILCS-2-615 (West 2000)) because (a) the lease was void, (b) plaintiff did not properly serve defendants with notice. In December, 2001, the trial court denied defendants motion. After a January 2002 hearing, the trial court found in favor of plaintiff. Defendants appeal, contending that the trial court erred in denying defendants motion to dismiss, We affirm.

I Analysis

Plaintiff asserts this Court cannot address the merits of defendants arguments. We agree. This Court has held that where the issue contained in a denied motion for summary judgment is then

decided at trial the ruling denying the summary judgment merges in the judgment after trial, and error in the denial cannot be raised on appeal of that judgment, Carpenter v Mobile World Inc, 194. Ill. App. 3d 830,839 551 N.E.2d 724,729(1990). Courts have applied this merger theory to section 2-619 Motions to Dismiss, see in re J.M. 245 Ill. App. 3d 909,919-20, N.E.2d 1345, 1354 (1993). Moreover, we find merger is applicable to denials of section 2-615 motions as well. The rational behind the merger doctrine is that where the evidence has been completely presented to the Trier of fact and subject to cross examination, it would be unjust for the resulting verdict to be overturned on less evidence, that is , evidence obtained only from the pleadings. Paulson v Suson, 97 Ill. App. 3d 326, 325 423 N.E.2d 243,245 (1981). With a section 2-615 motion a court should grant the motion only if no set of facts can be proved that will entitle the plaintiff to recover. Ashley v Snyder, 315 Ill. App 3d 1252, 1255 735 N.E. 2d 887, 900 (2000) At the subsequent trial the Trier of fact determines whether plaintiff proved sufficient facts to allow him to recover. Thus it would be unjust to overturn the judgment of the Trier of fact based solely on the parties pleadings.

Here. The issues raised by defendants in their motion to dismiss were presumably decided at the subsequent trial.

In their answer, defendants asserted improper service of notice and the invalidity of the lease as affirmative defenses.

Defendants suggest the trial court prohibited them from raising those defenses at trial. However, we note defendants did not file a transcript of the proceedings or a bystanders report. See 155 Ill. 2d R. 321, 166 Ill. 2d R. 323. The Appellant bears the burden of providing this court with a record adequate to resolve all issues. *Absent a sufficient record on appeal this court will presume the trial courts ruling was in conformity with the law*, People v Brummatt, 279 Ill. App. 3d 421, 426. 664 N.E. 2d 1074, 1079 (1996).

As to the pendancy of the other action, we note that dismissal under section 2-619(a)(3) of the code in not mandatory, Zurich Insurance Co. v Baxter International Inc, 173 Ill. 2d 235, 249 570 N.E. 2d 664, 670 (1996). The purpose behind section 2-619(a)(3) is to relieve both the courts and litigants of duplicative litigation. Ransom v Marrese, 122 Ill. 2d. 518, 530. 524 N.e. 2d 535, 560 (1988). Thus, by holding a trial on the merits, the courts and the parties have already borne the burden of litigation, and thus the issue is addressed in the subsequent trial. *Additionally, we note the record is insufficient as to this issue because the defendants failed to include a complete copy of the complaint from the other action.* Accordingly, we find the issues raised by Defendants in their motion to dismiss merged with the subsequent trial and cannot be raised on appeal.

For the reasons above, we affirm the trial courts judgment. Affirmed, Turner*, J, with Knecht and Cook, con.

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-JUDICIAL NOTICE-

NOTE: in re Appendix C: The facts as *"restated"* by the following appeals Court rule 23 order in support of their contentions in the order, **omit *the following serious omissions*** referenced herein for Judicial Notice in that: (1) It is omitted by the tribunal that Hopkins was not able to raise his federal claims as a defense to the Forcible entry and Detainer action based on known federal pleading rules, and; (2) It is omitted by the tribunal that Hopkins was not allowed to raise their state law claims as a defense to the action of forcible entry and Detainer as a matter of state court policy in re People v Evans, 163 Ill. App. 3d 561, 516 N.E.2d 817 (1st Dist 1987,) and; (3) It is omitted by the tribunal that Hopkins Civil action was dismissed on the basis of that Forcible Entry and Detainer action being considered to be Resjudicata despite the fact of law that Hopkins could not raise the federal claims as a defense in that Forcible Entry proceeding, see Holmes v Vornado, 534 U.S. 1016 (2001), (nor in the subsequent appeal as issues not raised in trial

court are not available for review on appeal,) and; (4) It is omitted by the tribunal that Hopkins was never served notice of the Circuit Courts dismissal of the Civil action within time to be able to file an appeal. *This is *Certified as raised on motion to reconsider and Petition for appeal as a matter of right to the Illinois Supreme Court.*

Appendix C:

ILLINOIS APPELLATE COURT OF THE 4TH DISTRICT; Hopkins v Northbrook; NO.04-05-0435
Northbrook v Hopkins-; NO.04-05-0186

Glenn J. Hopkins,	) Appeal from the
Cindy S. Hopkins	) Circuit courts of
Appellants	) Sangamon County
v.	)
Northbrook Mobile Home Park	)No. 2001-L-0227
Corporation, Sheila Cottrill,	) Judge Cadigan
Ron Cottrill	) No. 2001-LM-2161
Appellees	) Judge Hall*
	) Judge Shiffman.*

Rule 23 Order of February 21, 2006

McCullough J, with *J. Turner*[6] PJ. and J Appleton.

Plaintiffs, Glenn J Hopkins and Cindy S Hopkins appeal from the January 12, 2005 denial of their petition for relief from judgment in case 01LM2161 and the February 23, 2005 denial of their petition for relief from judgment in case 01L0227. For the reasons which follow, we Affirm. The origin of these two cases dates back over four years. Although both parties are well aware of the facts, a brief recitation of the history of these cases will be presented to highlight the extent of the litigation involved.

On August 16, 2001 the Hopkins filed an amended complaint against Defendants Northbrook Mobile home park Corporation and Sheila and Ron Cottrell,(Northbrook), alleging

[6] This judge had participated as the author of the document in appendix b, and had refused to recuse himself.

various violations of the Mobile home Landlord and tenants rights act, (765-ILCS-745/1 et Seq. (west, 2000)), the consumer fraud and deceptive business practices act, (815-ILCS-5/19-101 et Seq, (West 2000) and the Americans with Disabilities Act of 1990, (42-USC-12101 (West _____)) (Case No. 01L0227, hereinafter the Civil action).

On November 2, 2001, Northbrook filed a complaint against the Hopkins under the Forcible Entry and Detainer act. (735-ILCS-5/19-101 et seq, (West 2000)) (Case No 01LM2161, hereinafter the forcible entry and detainer action) alleging the Hopkins were in illegal possession of certain real estate upon which their mobile home remained. On November 16, 2001, the Hopkins filed a motion to dismiss instanter, arguing all issues in controversy in the forcible entry and detainer were matters in contention in the Civil suit. On December 20, 2001, after a hearing, the Hopkins motion to dismiss instanter was denied. On January 2, 2002. after a trial, the circuit court found in favor of Northbrook and issued an order to vacate. On January 23, 2002, the Hopkins filed a notice of appeal, arguing the Court erred in denying their motion to dismiss. On October 16, 2002, this Court Affirmed the circuit courts judgment, holding the issues raised in the Hopkins motion to dismiss merged with the subsequent trial, and thereafter could not be raised on appeal.

Northbrook Mobile Home Community Corporation v Glenn J Hopkins and Cindy S. Hopkins, Ill App 3d__,__ N.E.2d __, No; 4-02-

0085 (2002) (unpublished order under Supreme Court rule 23), Leave to Appeal denied. *According to Hopkins, this case has been appealed to the United States court of Appeals*[7] *and the United States Supreme Court.*

On August 11, 2003, a hearing was held on Northbrook's motion to dismiss the Hopkins civil action pursuant to section 2-619 of the code of civil procedure (the code). Neither a transcript of this hearing nor a bystanders report appear in the record. On August 28, 2003, by docket entry, the circuit court granted Northbrook's motion to dismiss. Thereafter, on October 27, 2003, the Hopkins attempted to transfer the Civil action to the U.S, District Court. On November 13, 2003, the District Court, by docket entry, declined to hear the Hopkins case stating it lacked the jurisdiction to do so as only defendants can remove a state case to federal court. Later, Hopkins unsuccessfully attempted to bring an original action in the federal court based on the underlying facts of the civil action.

On March 19, 2004, the District Court found the Hopkins claims were barred by resjudicata[8]. On April 19, 2004, the District Court declined to impose monetary sanctions on Hopkins because they were not represented by counsel. However the Court remarked that the Hopkins had brought two meritless actions in the District Court against

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[7] Hopkins has no idea of how they reached *that conclusion*!

[8] The Court omits that Judge Scott stated Petitions for relief should be taken in the state courts on these claims.

Northbrook, and warned Hopkins that it would not hesitate in imposing sanctions if they filed any further actions against Northbrook in the District Court.

On May 20, 2004, the Hopkins filed Petitions for relief from judgment pursuant to section 2-1401 of the code (735-ILCS-5/2-1401 (West 2004) in both the Civil Action and the Forcible entry and detainer action. Each Petition was substantively similar and argued that they were entitled to relief under section 2-1401 because (1) *Glenn was entitled to preferential treatment based on his alleged disability in that he was entitled to a court reporter, and written notice of the Courts decision,* the right to counsel and the right of compensation from the state for violating his due process rights, (2) the trial court judges and justices of this court made serious errors in the interpretation and application of federal law, and (3) the Forcible entry and detainer act is unconstitutional as it conflicts with the commerce clause and the Americans with Disabilities act.

On January 12, 2005, the Circuit Court denied the Hopkins petition for relief from judgment in the forcible entry and detainer action, finding it did not have jurisdiction over the parties because it was filed outside of the two year limitation mandated by section 2-1401 (c) of the code (735-ILCS-5/2-1401(c) (West 2000)). Even so, the court chose to address the merits of the Hopkins petition. The court found the Hopkins claim that Mr. Hopkins was denied the reasonable

accommodation of a court reporter under the ADA Act *lacked merit because a reasonable accommodation must be given only when a disabled person is otherwise eligible for the service, and no litigant is entitled to a court reporter.* Further, the Court denied the petition as Moot in that they did not wish to return to the mobile home from which they were evicted[9], and they sought damages in excess of $50.000.00 from the state of Illinois who was not a party to the proceedings. The Hopkins motion to vacate was denied on January 24, 2005. They filed a Notice of Appeal on February 23, 2005 and an amended notice of appeal on March 10, 2005.

On February 23, 2005, a hearing was held on the Hopkins petition for relief from judgment in the Civil action. *Neither a transcript or a bystanders report of this hearing appears in the record.* Per docket entry , the circuit court denied their petition and granted Northbrook's motion for sanctions. The court directed Northbrook to prepare a written order to this effect. A written order was not prepared and the Hopkins appealed the denial of the Petition the same day. On April 23, over objection, this court dismissed the Hopkins appeal as premature. On April 25, 2005, a written order was signed by the circuit court. The court denied the petition for relief from judgment finding they had stated no basis upon which relief could be granted. The court struck from the petition any

[9] The mobile home had been seized and destroyed. Hopkins did not have a home to go back to, unlike Soldol.

claims against the State of Illinois, finding the state was not a party to the proceedings. Further, the Court granted Northbrook's motion for sanctions, *Finding any further filings by the Hopkins against Northbrook arising from any facts, circumstances, or allegations that had been or could have been brought would be for the sole purpose of harassment.* Therefore, they were barred from filing any further proceedings against Northbrook, its owners, officers, directors, agents or employees without prior leave of court. On May 13, 2005, the Hopkins filed notice of appeal. On June 14, 2005 the civil action and forcible entry action were consolidated for the purpose of appeal.

On August 26, 2005, Northbrook filed a motion to strike Plaintiffs-appellants brief and for sanctions. This Court order the motion taken with the case. Northbrook asks this Court to strike the brief in its entirety for failure to comply with supreme court rule 341(a) 's 50 page limitation and footnote requirements. Northbrook also argues the Hopkins brief is *unintelligible* and *incomprehensible*, and *does not address the issues before this court on appeal*. Rather, *Northbrook contends the Hopkins present irrelevant matters not at issue and attempt to reargue matters previously before this court on appeal.* If it is this courts decision not to strike the brief in its entirety, Northbrook requests that we strike that portion of the brief that is in excess of 50 pages and all the footnotes. Supreme Court rule 341(a) provides that appellant and appellees briefs submitted to a

reviewing court shall be limited to 50 pages if printed, or 75 pages if not printed. Official reports Advance sheet no. 21 (October 17, 2001) R. 341(a) eff. October 1, 2001. Hopkins Brief is 69 pages long. In their 17 page response to Northbrook's motion to strike, the Hopkins argue "not printed" briefs under rule 341(a) include briefs typically created on typewriters or computers that are then printed out by a printer, and therefore their brief is "not printed" within the meaning of the rule, and is within the page limitation requirement. *Hopkins has cited no authority for this novel interpretation of rule 341(a) and we are not persuaded by their argument.*

Rule 341(a) states "footnotes, if any, shall be used sparingly." Official Reports advance sheet NO. 21, (October 17, 2001). R. 341(a) eff. October 1, 2001.Rule 344(b) states "Foot notes are discouraged" Official Reports advance sheet NO. 22, (October 27, 2001). R. 344(b) eff. January 1, 2005. Hopkins brief contains 32 footnotes. 16 footnotes contain argument that should have been presented in the body of the brief. (see Technology Solutions Co. v Northrop Gruman Corp, 356 Ill. App. 3d 380, 382, 826 N.E. 2d 1220, 1223 (2005), stating substantive arguments may not be made in footnotes.) Five footnotes contain irrelevant information *such as the color of the Hopkins mobile home*[10], the allegation that Judge Shiffman and Glenn are not friends and the fact that Glenn *is a very good writer and inventor and* ***is currently***

[10] This concerned one of many elements of perjury

writing a book about his experiences with these cases. Three foot notes contain inflammatory accusations not supported by the record including Hopkins assertion that it has become and increasingly common practice for Illinois attorneys to abuse their position of trust with the court and to intentionally misrepresent fact, law, and testimony. Such use of foot notes is not necessary and can hardly be described as sparingly used. In their reply to Northbrook's Motion to strike, the Hopkins argue Northbrook must establish that the footnotes were unduly prejudicial to their defense. Again, the Hopkins cite no authority for this assertion, and our research discloses no such requirement. **Illinois *Supreme court rules are not aspiritional goals***, *and are to be followed regardless of whether an opposing party has suffered any prejudice*. In addition to the violations of rule 341 Northbrook points out, we note these additional violations; **the points and authorities are not presented** as required by rule 341 (e)(1) Official Reports advance sheet NO. 21, (October 17, 2001). R. 341(e)(1) eff. October 1, 2001), *in that no page reference numbers have been included*; **the statement of issues presented for review** are violative of rule 341(e)(3) (Official Reports advance sheet NO. 21, (October 17, 2001). R. 341(e) (3) eff. October 1, 2001.) **in that they are unclear and too detailed**, the statement of jurisdiction does not include page references to the record on appeal in violation of rule 341(e)(4) (ii) Official Reports advance sheet NO. 21, (October

17, 2001). R. 341(e) (4)(ii) eff. October 1, 2001. The standard of review section of the brief violates rule 341 (e)(3) in that it is 12 pages long[11] and accounts for nothing more than a recitation of irrelevant facts, *alleged violation of Hopkins due process rights and conspiracy theories, including the suggestion that the state courts have conspired to violate Hopkins federal due process rights under 42-USC-1983;* and case citations have not been set forth as required by rules 6 (145 Ill. 2d R 6) and 341(e)(7) Official Reports advance sheet NO. 21, (October 17, 2001). R. 341(e)(7) eff. October 1, 2001, in that only case names are provided throughout the brief.

The purpose of the supreme courts rules is to require parties to proceedings before a reviewing court to present clear and orderly arguments so that the court may properly ascertain and dispose of the issues involved. (Citation) When an appellants brief fails to comply with the rules, this court has the inherent authority to dismiss the appeal for non compliance with its rules (citation.) Collier v Avis Rent a Car System, inc, 248 Ill.App. 3d. 1088, 1095, 618 N.E.2d 771,776 (1993)

The number of violations in the Hopkins brief have made review of the issue on appeal nearly impossible and would easily warrant our striking of their entire brief and dismissing the appeal. Technology Solutions Co, 356 Ill. App. 3d at 381, 826 N.E. 2d at 1222. However, rather than dismiss

[11] This was for background of the fraud

the appeal outright, we will grant Northbrook's motion and strike Hopkins brief.

In their motion to strike, Northbrook also requests sanctions pursuant to supreme court rule 375(b). 155 Ill.2d R 375(b); In relevant part rule 375(b) states: "if, after consideration of an appeal or other action pursued in a reviewing court, it is determined that the appeal or other action was not taken in good faith, for an improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation, or the manner of prosecuting or defending the appeal or other action is for such purpose. An appropriate sanction may be imposed upon any party or the attorney, or attorneys of the party or parties. An appeal or other action will be deemed frivolous *where it is not reasonably well grounded in fact, and not warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law.*[12] An appeal or other action will be deemed to have been taken for an improper purpose where the primary purpose of the appeal or other action is to delay, harass, or cause needless expense. Appropriate sanctions for violation of this section may include an order to pay the other party or parties damages, the reasonable costs of the appeal or other action, and any expenses necessarily incurred by the filing of the appeal or other action including reasonable attorney fees."

[12] Federal law prevailing over state law is not good reason apparently!

In determining whether an appeal is frivolous, an objective standard should be applied. *"The appeal is considered frivolous if it would not have been brought in good faith by a reasonable prudent attorney"*. Dreisilker Electric Motors Inc v Rainbow Electric Co, 203 Ill App 3d 304, 312 562 N.E. 2d. 970,974 (1990).[13]

A reasonable prudent attorney would not have brought in good faith, *an appeal of the circuit courts denial of the Hopkins petitions for relief from Judgment in the forcible entry action and in the civil action for the petitions fail on basic procedural grounds "the purpose of a section 2-1401 petition for relief from judgment is to bring before the circuit court facts not appearing in the record which if known to the court at the time judgment was entered would have prevented the entry of the judgment. (citation)* "to be entitled to relief under section 2-1401, the petitioner must affirmatively set forth specific factual allegations showing each of the following elements by a preponderance of the evidence; (1) the existence of a meritous defense or claim. (2) due diligence in presenting this defense or claim to the circuit court in the original action, and (3) *due diligence in filing the 2-1401 petition for relief.* (Citation) In re Detention of Morris___Ill. App. 3d__,__,__ N.E. 2d____. No. 4-05-0033, slip opinion at 3(December 7, 2005.)

Hopkins have failed to show the requisite due diligence in filing their 2-1401 petitions.

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[13] See Appendix D, and compare.

The Hopkins petition for relief from judgment in the forcible entry action was not timely filed.[14] Section 2-1401(c) provides that the petition must be filed not later than 2 years after the entry of the order or judgment. Time during which the person seeking relief is under legal disability or duress, or the grounds for relief were fraudulently concealed shall be excluded in computing the period of two years." 735-ILCS-5/2-1401(c) (West 2000). *This two year period of limitations is to be strictly construed, Sidwell v Sidwell, 127 Ill. App. 3d 169, 173, 468 N.E. 2d 200, 203 (1984). Pending motions or appeals do not toll this limitation period. People v Caballero, 179 Ill. 2d 205, 211. 688 N.E. 2d 658, 661 (1997).*

Judgment was entered in the forcible entry and detainer action on January 2, 2002. The Hopkins did not file their 2-1401 petition for relief from judgment until May 20, 2004, clearly outside of the two year limitation period*. The Hopkins argument that pending appeals in this and the Civil action tolled the limitations period is contrary to established state law The petition is untimely, and properly dismissed by the circuit court, see Rodriquez v The Sheriffs Merit Comm of Kane co.___Ill2d.___, ___,N.E. 2d __, __, No 100165, slip opinion at 7, January 20, 2005. stating the *reasons given for a judgment or order are not material if the judgment itself is correct, and the reviewing court is not bound to accept the reasons given by the lower court for its judgments.*

[14] The appeals court totally ignores 28-USC-1367, in re Jinks.*

Hopkins did not show due diligence in the filing of their 2-1401 Petition for relief from the dismissal of their civil action. Due diligence requires a petitioner to show that his failure to pursue his petition was the result of excusable mistake and that he had acted reasonably, not negligently. See Dassion v Homan, 161 Ill. App. 3d 141, 145 514N.E.2d 41,43 (1987). A section 2-1401 petition is not intended to relieve a party from the consequences *of his own negligence* or to provide review of an order *from which a party could have timely appealed.* Anest v Bailey 265 Ill. App. 3d 58, 68-69- 637 N.E. 2d 1209, 1216-17 (1994). *The Civil action was dismissed on August 28, 2003. Hopkins did not appeal the circuit courts judgment.* Instead, the Hopkins attempted to remove the civil action to federal court[15]. After the District Court held that it did not have the jurisdiction to hear Hopkins case, they filed an original action in the district court based on the same set of circumstances as the civil action. On March 19, 2004, the District Court declined to hear Hopkins case, holding that it was barred by resjudicata, the same grounds for which the civil action was dismissed in the state court. *It was not until after Hopkins had been warned by the district court against filing any further pleadings against Northbrook that it filed their 2-1401 petition on May 20,* nearly nine months after the dismissal of their civil action by the circuit court.

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[15] This is dishonest-no notice was given of dismissal.

The proper course of action for Hopkins would have been *to timely appeal* the circuit courts dismissal of their civil action[16], raising each of the issues they submit in their 2-1401 petition. Instead they chose to file, in the district courts own words, "two meritless actions in federal court". Unsuccessful in their attempt to bring suit against Northbrook in federal court, the Hopkins sought review of issues that could and should have been raised on direct appeal through their 2-1401 petition[17]. *Such conduct is not evidence of due diligence*, and the circuit court properly denied the Hopkins 2-1401 petition. ***We agree with Northbrook that sanctions should be imposed against Hopkins and their attorney for filing a frivolous appeal.*** It should have been apparent to a reasonable prudent attorney that the 2-1401 Petition for relief from judgment in the forcible entry and detainer action was filed outside of the two year limitation. (see Dreisilker Electric Motors Inc v Rainbow Electric Co, 203 Ill App 3d 304, 312 562 N.E. 2d. 974,975 (1990), imposing sanctions against a 2-1401 petitioner because it would have been readily apparent to a reasonable prudent attorney that the cause of action was barred by a three year statute of limitations.) *The Hopkins and counsels only argument is that the two year period was tolled*,[18] an argument clearly

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[16] no notice of the decision means no knowledge to act upon.

[17] This is indicative of corruption.

[18] 28-USC-1367(d) in re Jinks V. RICHLAND COUNTY, 538 U.S. 456 (2003)

against established state law. (see Caballero, 179 Ill. 2d at 211. 688 N.E. 2d 661, 661 (1997). Further, a reasonable attorney would not have filed a 2-1401 petition for the dismissal of the civil action having twice been put on notice that the issues sought to be raised were barred by resjudicata. (See Singer v Brookman, 217 Ill. App. 3d 870, 879-80 578 N.E. 2d 1, 6 (1991), imposing sanctions where plaintiffs and their counsel were warned by trial court that their litigation might be barred by resjudicata, and finding there was no conceivable basis for the action other than to waste the courts time, generate legal fees, and harass the defendant.) In finding sanctions are appropriate against Hopkins and their attorney, *we note the Hopkins were warned about filing further frivolous litigation against Northbrook on two prior occasions once by the circuit court in ordering the civil action dismissed. And once by the District Court after dismissing the federal action against Northbrook.*

In each of these circumstances the courts declined to impose monetary sanctions because Hopkins were pro-se. However it is clear that this generous approach has not stopped the Hopkins from engaging in frivolous litigation against Northbrook.

Therefore, pursuant to rule 375(b) we order Northbrook to file a statement of reasonable expenses and attorney fees as a result of this appeal within 14 days. The Hopkins and their attorney shall have 7 days to file a response.

This court will then file a supplemental order determining the amount of the sanction that will be imposed on the Hopkins and their attorney.

For the fore going reasons, the circuit courts judgments are affirmed.

MuCullough, j, with Turner , PJ, and Appleton, J. Concurring.

(2)

No.06-1252

IN THE

SUPREME COURT OF THE UNITED STATES

Glenn J. Hopkins, Cindy S. Hopkins, Petitioners,

On behalf of all disabled and tenants in Illinois,

VS

Northbrook Mobile Home Park Corporation, Respondents

PETITON TO RECONSIDER DENIAL OF
PETITON FOR
A WRIT OF CERTIORARI
FROM THE ILLINOIS 4TH DISTRICT
COURT OF APPEALS
Hopkins v Northbrook -2001-L-0227: NO.04-05-0435
Northbrook v Hopkins-2001-LM-2161: NO.04-05-0186

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Citations Relied Upon

1. Department of Agriculture v Moreno, 413 U.S. 528, 534 (1973)
2. District of Columbia Court of Appeals v. Feldman, 460 U.S. 462, 482 (1983)
3. Testa v Katt, 330 U.S. 386 (1947)
4. McClellan v. Carland, 217U.S.268, 282,
5. Nebbia v New York 291 U.S. 502 (1934).
6. Bank of Nova Scotia v. United States, 487 U.S. 250, 254-255 (1988),
7. Brady v Maryland, 373 U.S. 83 (1963).
8. Holmes v Vornado, 534 U.S. 1016 (2001),
9. Fidelity Fed. Sav. & Loan Assn. v. De la Cuesta, 458 U. S. 141 (1982),
10. In Re Gault, 387 U.S. 1, (1967).
11. Free v Bland, 369 U.S. 663,
12. Silkwood v Kerr-McGee Corp. 464 U.S. 238,
13. Tennessee v Lane, 539 U.S. 941 (2004).
14. Fidelity Fed. Sav. & Loan Assn. v. De la Cuesta, 458 U. S. 141 (1982),
15. Tumey v Ohio, 273U.S. 510,

PETITION TO RECONSIDER DENIAL OF CERTIOARI

Petitioners Pro-Se Glenn Hopkins and Cindy Hopkins come before this United States Supreme Court to petition that this Court shall reconsider their Petition for Certiorari for reasons submitted as follows.

-REASONS TO RECONSIDER-

This Court was in error as to the denial of certiorari in that:

(1) The Founding fathers, in providing this U.S. Supreme Court the police power to review criminal and civil state court proceedings, *clearly did not intend for this Court to exercise its Certiorari power in any way that would knowingly allow by default* that state courts can deny due process of law in civil proceedings to an identified minority on the basis of a publicly stated judicial policy, see Bank of Nova Scotia v. United States, 487 U.S. 250, 254-255 (1988) as this undermines the intent and purpose of a responsible government, and creates *a clear and present danger to the present and future public welfare of a defined suspect class which is unconscionable.*

(2) It is not consistent with *the fundamental principles of American jurisprudence for this Court knowingly to allow* any state court to provide debased civil proceedings in which a *criminal organization* as a plaintiff can freely present claims *that are based on the criminal plaintiff's own deliberate violation of law*, while at the same time the court is proactively barring under a publicly stated policy the Defendant a defense to that illegal cause of action that is based on the plaintiff's deliberate violation of law,

which *is the immoral and unethical conduct that is being opposed here, see in re;* Tumey v Ohio, 273U.S. 510. This policy has been publicly established in People v Evans, and Rosewood Corporation V. Fisher, which Hopkins has the right to oppose in this Court.

(3) It is not consistent with this Courts prior rule of law to knowingly allow that any State Court judge can arbitrarily choose to not send notice of an adverse decision to a pro-se disabled litigant, thus denying the ability to appeal that adverse decision, see In Re Gault, 387 U.S. 1, (1967).

(4) With great power comes with it great responsibility, as no man is forced to become a judge, *but instead chooses to become a judge*, thus arises a Compact between the Courts and the People. In exchange for giving the Courts their judicial power, all Americans have the right to demand that the courts be accountable so that each judge will work to perform their duties *for the best interest of the People as a whole, not for their own profit, not for pursuit of a political agenda, and not in support of former associates and their client businesses*. When lower courts do pursue interests destructive to the people's constitutional right to due process *of law*, which is unethical and immoral conduct, see Brady v Maryland, 373 U.S. 83 (1963), this Court has a duty to review such cases for "plain error" (thus avoiding any judicial moral and ethical issues) and to remand such cases for retrial on grounds of abuse of discretion. Such cases should be disposed of per curium. Americans deserve better than what this Court has seen fit to require of the Courts.

- INTRODUCTION-

This Court denied certiorari, presuming that Hopkins has had a form of due process since this Court has already prior defined a policy that "*due process in civil proceedings*" is basically just *some kind of a hearing before a judge*. Hopkins challenges this Courts "policy" in the interest of the public welfare, as this Court seems to have forgotten the cardinal maxim of American jurisprudence-*that no party can ever violate the law, and then use that violation of law as the means to obtain a judgment against another party*! Our entire legal system is predicated *on that absolute fundamental principle-which cannot be compromised in any case without destroying the rule of law itself*-as it clearly has been in this case.

The law is a tool that only works *when both parties have an equal say in a judicial proceeding*-when only one party is allowed to present a claim *that is knowingly based on a violation of law, and that violation of law is not allowed by the state court to be raised as a defense by the other party as a matter of policy,* the law then becomes a weapon, and the rule of law *ceases to exist*. Hopkins thus have a right to be protesting this Courts vague *interpretation of what constitutes due process of law in a civil proceeding* as "was followed by the State Courts". The public welfare of disabled people in Illinois and elsewhere, can no longer afford for this Court to continue to ignore the *fact* proven by Hopkins, *like all tenants in Illinois,* was never given the opportunity to present their claims *as to the illegal nature of the instrument being enforced against them* by the State Court, *an official exclusion from the courts that is based on a publicly stated state Court policy*, see People v Evans, and Rosewood Corporation V. Fisher, *which on it's face is immoral, unethical, and unconscionable,* see in re Brady v Maryland, 373 U.S. 83 (1963).

Further, this Court cannot justifiably ignore any longer that for all tenants in Illinois *there can be no due process "of law"* whenever a plaintiff's entire claim is based upon that Plaintiff's own violation of law in any Forcible entry and Detainer proceeding where the defendant is prevented by judicial policy from raising any defense that is *based on that plaintiff's violation of the law, yet this preposterous judicial theory is clearly established in* People v Evans, 163 Ill. App. 3d 561, 516 N.E.2d 817, and Rosewood Corporation V. Fisher 263 N.E.2d 833, and *is an official state court policy that no legislation can effect or alter.* Furthermore, what *should have been morally and ethiclly repugnant to this Court* is that this judgment obtained by the deliberate use of Northbrooks own violation of law-*that Hopkins was never allowed to*

contest-became as a matter of state court policy an automatic resjudicata bar that has protected Northbrook, which is immoral and unethical conduct by state officials, see Screws v. United States, 325 U.S. 91 (1945), since Courts were never intended to be used *for futhering the goals of criminal enterprises*!

Furthermore, the complete records of those proceedings *now pending public disclosure* will show the world that Northbrook has taken different positions in the different Courts *trying to bury the above issue*, and instead of judicial estoppel by the courts for inconsistent positions as one would reasonably expect, were allowed by the Courts to exploit the failures of the state court system to keep adequate records, which has (again) precluded any kind of "due process", shown here as follows:

1. Northbrook Council "represented" to Judge Shiffman and the Court of Appeals that their State action under Forcible Entry and Detainer could not be estoppled by Hopkins prior action under 2-619(a)(3) as it is a matter of Illinois State supreme court policy that all such actions of forcible entry are to proceed independently *of all claims*. (R.A. C00161, Index Lines 19-29). and;

2. Northbrook Council "represented' to Judge Cadigan that the issue of the validity of the lease was already litigated in favor of Northbrook in that Forcible Entry proceeding. (R.A. C00168, Index Lines 22-26). and;

3. Northbrook "represented" to Judge Cadigan that the Court had already addressed the underlying issues, and the issue of federal law was just a frivolous attempt to relitigate an issue already decided. (R.A. C00175, Index Lines 18-28). and;

4. Northbrook, represented by Brown Hay and Stevens, (former associates of Judge Turner,) "represented" to the Court of Appeals tribunal of which Turner was a member that since Hopkins had not attached a complete copy of his complaint, the issue was not properly before the Trial Court and thus could not be taken for Judicial notice in the appeal. (in the Appeal Appendix B, page 57, quoted from Northbrook Appellees Brief page 13.)

5. Northbrook counsel Manson, licensed for the Federal Courts, "represented" to Judge Cadigan that Hopkins could and should have raised the federal issues in that forcible entry and Detainer action, and since they had not, *had for lack of due diligence, had forfeited the right to be heard on them*, resulting in Hopkins being punished. (R.A. C00181, Index lines 9-14) (S.R.A. C00131).

Hopkins can only *lawfully* obtain redress from constitutional rights violations by Northbrook's misuse of the State Courts rules and procedures in this Court, see in re District of Columbia Court of Appeals v. Feldman, 460 U.S. 462, 482 (1983), as the State Courts are claiming these issues, see appendix A-2, to be frivolous,-which *is now an unpublished "precedent' that in the years hereafter will be used to justify making similar judgments, which is clearly endangering the public welfare of the disabled tenants* in Illinois *due to this Court clearly and now knowingly allowing the official use of state judicial power in the State Courts for the exploitation of the disabled by criminal agents*, see in re Department of Agriculture v Moreno, 413 U.S. 528, 534.

Hopkins is respectfully pointing out to this Court that the greatest threat to this nation *is not from terrorists, but in the misuse of the power of the courts, for when a judicial policy robs a legislative body of its power by annulling and ignoring the purpose and intent of laws they enact, when a decision ignores this Courts precedents without justifiable reason, when a court redefines the plain meaning of a law or the constitution contrary to this courts rule of law, then the Court is engaged in practices that denies the liberty of the people, and forfeits the respect due the Judiciary, for when Judges make up the law as they go along, as they have done here, they deserve no more respect than the politicians*-Remember Clinton? The people currently have no means of making these judges accountable, and given this Court practices concerning the judiciary, the people may have to terminate the present government to regain control, since this Court so far has not been the corrective force on the state courts that was actually intended by the founders, *thus the reminder here of the Declaration of Independence*;

"*when a long train of abuses and usurpations, pursuing invariably the same object evinces a design to reduce them under absolute despotism, it*

is their right, it is their duty, to throw off such government, and to provide new guards for their future security."

-ARGUMENT-

This cause has reached this Court because *it is a matter of record that Hopkins was sued for violation of the terms and conditions of an (illegal) instrument*, and that Northbrook claimed entitlement to the lot due to the lease having expired-*based on its modified and illegal terms*! The record shows that the Courts, *despite proof of the lease being invalid and unenforceable under 765 ILCS 745/1 that was submitted on Motion to dismiss*, (R.A. C000102), had held this issue as to the lease being in violation of law and thus invalid *was not germane to the right of possession* under People v Evans, and Rosewood Corporation V. Fisher. This *illegal instrument* was clearly enforced by Judges *even though it was known* by those same judges to be an instrument prohibited by the state legislature-in short a clear, self evident, *scandalous disgrace*, where the courts *have abused their discretion to constructively make an illegal lease* enforceable, thus all the courts working for the benefit of a criminal enterprise.

A "*criminal organization*", by this Courts own definition, is any business organization that under color of conducting a lawful business, intentionally violates laws for purposes of illicit financial gain by the intentional use of fraud, theft, terrorism, coercion, intimidation, extortion, etc to obtain property and money they are not lawfully entitled to. see *National Organization for Women, Inc. v. Scheidler*, 510 U.S. 249 (1994). The sworn facts, see appendix C, clearly show that Northbrook's agents, along with the association of other participating businesses, were operating *an alleged criminal consortium* with the intentional use of *theft, vandalism, extortion, terrorism, intimidation, coercion, fraud*, etc, so as to obtain from the park

tenants money and property they were not lawfully entitled to. These facts, *which no Court has allowed to be heard*, show to the world that Hopkins was the 12th known victim of this organized criminal activity to have lost their home, and like the majority of the other tenants in that park, (over a hundred families), their civil rights were intentionally violated due to a fraudulently modified lease that Hopkins could not defend against as a matter *of a publicly stated court policy*, with a civil action raising these issues taken against Northbrook under the Mobile home park act and federal law *later dismissed without a hearing of its merit under Resjudicata.*

This is judicial obstruction of justice, which is unconscionable in that the Legislature had enacted this park act because it was found necessary to protect mobile home owners who may be subject to unfair business practices using criminal acts of extortion, coercion, and fraud by unscrupulous park operators *acting as common law landlords*. It should be noted that pursuant to terms of the Park act, Hopkins lease-as was originally offered and signed, was known to be for 12 months, as required by 765 ILCS 745/6, as Hopkins would not have accepted lesser terms *under any circumstances, and Hopkins could not be required to accept lesser terms,* so the lease was legally known to be effective from March 2001 to March 2002. As Northbrook terminated the lease on November 1, 2001, this shows *that the expiration date of the lease was changed* by Northbrook to October 31, 2001, a self evident, indisputable violation of 765 ILCS 745/6, see appendix A-1, as the lease terms had been obviously illegally modified to be for less than what the law required, *without consent*. Furthermore, the lease contained 6 other illegal provisions, and handwritten codicils that were obviously added on post signing,(they were not initialed,) which taken altogether, made the lease *an illegal instrument* as a matter of statute law, 765 ILCS 745/1, so that lease

could not be legally enforced by *any legitimate Court* under the rule of law. (R.A. C000102, Index lines 9-21) Judge Shiffman did not record in the record that he refused to hear the issues about the validity of the lease, while citing People v Evans, and Rosewood Corporation V. Fisher in support-which why Hopkins attempted to subpoena him.

This Court should not ignore any longer that clearly there was no due process "of law" possible in that Forcible Entry hearing as a matter of public policy of the state courts-the Appeals Court refused to consider this indisputable point, but claiming this was due to the fact there was no record-even though it was clearly based on a publicly stated state court policy-which is outright hyposcrisy. Furthermore, Hopkins, as a brain damaged "tenant" *is not impaired cognitively*,(not stupid) and had no reason to believe their case should be dismissed on Resjudicata grounds in the face of the federal case law precedents cited-frankly, if a pro-se brain damaged person understood the issues, then the state Court would have understood them as well- Hopkins was thus surprised by the dismissal, and entitled to notice of the adverse decision against them in time to appeal-and *without service of notice, there was again a denial of due process that again has benefited Northbrook*. This denial of an appeal created *an instant 1st Amendment violation* because without the ability to appeal that decision, there was no means to petition for redress other than by a Petition for Relief under 735-ILCS-5/2-1401 and this was denied by the State Court, *with sanctions*.

This cause should not therefore be ignored by this Court as a minor anomaly, but instead be considered here by this Court as a showing of extraordinary circumstances that create a substantial danger that the underlying judgment was unjust, because having been informed of these

issues, see Appendix A-2, the State Court abused its discretion in dismissing the appeal of the denial of due process claims in the state court on grounds they were frivolous-*an error that is so fundamental that it infects the very validity of all judgments the Court makes*.

As to proof of serious abuse of discretion showing that there was no "mistake' on the part of the court, *this Court can see of itself* that the combined brief fell within the "basic specifications" for briefs, see appendix A-1, and A-2 clearly shows that Hopkins combined brief clearly laid out the federal and state law issues. It should also be noted that Hopkins filed a petition to reconsider En Banc in that Court, which Judge Turner denied, and then ordered the sanctions to be seven thousand dollars-*while at the same time claiming Hopkins had never responded to the issue of sanctions*-Hopkins shows to this court and the world that this also was not a "correct" statement of fact, see appendix B-2.

-Conclusion-

It has been overlooked by this Court in this case *that it cannot ever be due process "of law' when an action is based on an illegal instrument* under the rule of law, nor can there be due process without service of notice to allow for appellate review when a case is improperly dismissed due to no actual fault of the party, and the party then not given the opportunity to appeal to correct the error. This Court, in it's denial of the petition for Certiorari, whether it has meant to or not, has unfortunately sent a message that at this point in time indicates that *this Court will never intervene when the Courts are intentionally misused as a weapon by criminal organizations to intentionally violate civil rights*-which is not believed to be wise as it undermines the government even worse than what Nixon did.

If this Court will not enforce its own decisions as to federal law and constitutional rights in those state proceedings *where such issues were fairly and clearly presented and were not applied due to fraud and abuse of discretion by the state courts, the public interest is seriously threatened, as a clear and present danger to the public welfare arises* whenever alleged "*criminal Organizations*" are able to use the power of the state courts to promote their criminal activities and agendas at the expense of peoples civil rights, while at the same time using the state Courts rules and practices to destroy the force and effect of federal laws and state statutes regulating leases. *This case establishes an unwritten precedent that endangers the next disabled person* who is tricked into moving into Northbrook-thus it is Hopkins duty to warn the public-and the truth about the U.S. courts is very ugly in this case, and in many others Hopkins has found on the internet.

This kind of conduct is definitely contrary to the best interests of the nation, as it shows the "rule of law" is actually just a myth-*the rule of money is the reality*, as the courts (due to the failure of this Court to intervene) are shown here to be clearly willing to set aside the rule of law and the constitution for special interests, and then sacrifice the rights of the disabled on the altar of Judicial expediency-which is unconscionable. All Americans deserve better than this.

Thus, *Hopkins respectfully asks this Court to please reconsider their cause.* It's a case far more important in its potential public impact on the future safety and welfare of the Public and the disabled tenants in Illinois *than this Court has otherwise considered it to be.*

OATH AND AFFIRMATION

We affirm that the foregoing is true except as to statements made upon information and belief, and as to those, We do believe them to be true. Witness our hand under the penalties of perjury, this 21st day of June, 2007.

Glenn Hopkins, _____ Cindy Hopkins _____

BEST AVAILABLE COPY

No.06-1252

IN THE

SUPREME COURT OF THE UNITED STATES

Glenn J. Hopkins, Cindy S. Hopkins, Petitioners,

On behalf of all disabled and tenants in Illinois,

VS

Northbrook Mobile Home Park Corporation, Respondents

CERTIFICATION

It is herein certified by Glenn Hopkins that the Petition for rehearing is limited to intervening circumstances of substantial effect, based on the Courts denial of Certiorari without comment. Extrapolating from the issues prior presented, it was determined the Court must have misunderstood the underlying injustice being appealed from, and has underestimated the public impact that will occur when this case is published by Hopkins to protect others in Illinois who may fall prey to a clearly corrupted Judicial system.

Any other interpretation of the denial is too grisly to comptemplate, The petition only points out what may have been missed or misunderstood about this case that deserves a second look. It is certified to be made in good faith, though the points and contentions will not be pleasant hearing.

This rehearing will not delay any judgment, as they have already collected the sanctions imposed of $7.000, plus the $6000 they made off the mobile home given them by the Courts "to cover court costs".

Glenn Hopkins, _____ June 21, 2007

Cindy Hopkins _____

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No.06-1252

IN THE

SUPREME COURT OF THE UNITED STATES

Glenn J. Hopkins, Cindy S. Hopkins, Petitioners

VS

Northbrook Mobile Home Park Corporation, Respondents

APPENDIXS TO

PETITON TO RECONSIDER DENIAL OF
PETITON FOR
A WRIT OF CERTIORARI
FROM THE ILLINOIS 4[TH] DISTRICT
COURT OF APPEALS
Hopkins v Northbrook -2001-L-0227: NO.04-05-0435
Northbrook v Hopkins-2001-LM-2161: NO.04-05-0186

Appendix A-1
Rule 341. Briefs

(a) Page Limitations. Unless authorized by order of the reviewing court or a judge thereof, the appellant's brief and the appellee's brief, excluding only those matters required by Rule 342(a) to be appended thereto, shall each be limited to 50 pages if printed, or 75 pages if not printed, and the reply brief to 20 pages if printed, or 27 pages if not printed. Cross-appellants and cross-appellees shall each be allowed an additional 35 pages if printed, or 50 pages if not printed, and the cross-appellants reply brief shall not exceed 20 pages if printed, or 27 pages if not printed. Neither narrow margins nor any other device shall be employed to evade the page limitation. Footnotes, if any, shall be used sparingly. A motion to authorize the filing of briefs in excess of the limitations of this rule shall be filed not less than 10 days before the brief is due (not less than 5 days in the case of reply briefs) and shall state the maximum number of pages requested. Motions to allow additional pages are not favored, and the specific grounds establishing the necessity for excess pages shall be clearly set forth in an affidavit filed in support of the motion.

(b) Cover. The cover of the brief shall contain the number of the case in the reviewing court and the name of that court, the name of the court from which the case was brought, and of the case as it appeared in the trial court, except that the status of each party in the reviewing court shall also be indicated (*e.g.*, plaintiff-appellant). The name of the trial judge entering the judgment to be reviewed, and the individual names and addresses of the attorneys (or of the party if the party has no attorney) filing the brief, and, if desired, of their law firm, shall also be stated.

(c) References to Parties. In the brief the parties shall be referred to as in the trial court, *e.g.*, plaintiff and defendant, omitting the words appellant and appellee and petitioner and respondent, or by using actual names or descriptive terms such as "the employee," "the injured person," "the taxpayer," "the railroad," etc. In all appeals filed from proceedings under the Mental Health and Developmental Disabilities Code, the Mental Health and Developmental Disabilities Confidentiality Act, or from actions for collection of fees for mental health services, the recipient of services shall be identified by first name and last initial or by initials only. The preferred method is first name and last initial. The alternative method of initials only is to be used when, due to an unusual first name or spelling, the preferred method would create a substantial risk of revealing the recipient's identity. The name of the involved recipient of services shall not appear in the brief.

(d) Citations. Citations shall be made as provided in Rule 6.

(e) Appellant's Brief. The appellant's brief shall contain the following parts in the order named:

(1) A summary statement, entitled "Points and Authorities," of the points argued and the authorities cited in the Argument. This shall consist of the headings of the points and subpoints as in the Argument, with the citation under each heading of the authorities relied upon or distinguished, and a reference to the page of the brief on which each heading and each authority appear. Cases shall be cited as near as may be in the order of their importance.

(2) An introductory paragraph stating (i) the nature of the action and of the judgment appealed from and whether the judgment is based upon the verdict of a jury, and (ii) whether any question is raised on the pleadings and, if so, the nature of the question.

(3) A statement of the issue or issues presented for review, without detail or citation of authorities.

The appellant must include a concise statement of the applicable standard of review for each issue, with citation to authority, either in the discussion of the issue in the argument or under a separate heading placed before the discussion in the argument.

(4) A statement of jurisdiction:

(i) In a case appealed to the Supreme Court directly from the trial court or as a matter of right from the Appellate Court, a brief statement under the heading "Jurisdiction" of the jurisdictional grounds for the appeal to the Supreme Court.

(ii) In a case appealed to the Appellate Court, a brief, but precise statement or explanation under the heading "Jurisdiction" of the basis for appeal including the supreme court rule or other law which confers jurisdiction upon the reviewing court; the facts of the case which bring it within this rule or other law; and the date that the order being appealed was entered and any other facts which are necessary to demonstrate that the appeal is timely. In appeals from a judgment as to all the claims and all the parties, the statement shall demonstrate the disposition of all claims and all parties. All facts recited in this statement shall be supported by page references to the record on appeal.

(5) In a case involving the construction or validity of a statute, constitutional provision, treaty, ordinance, or regulation, the pertinent parts of the provision verbatim, with a citation of the place where it may be found, all under an appropriate heading, such as "Statutes Involved." If the provision involved is lengthy, its citation alone will suffice at this point, and its pertinent text shall be set forth in an appendix.

(6) Statement of Facts, which shall contain the facts necessary to an understanding of the case, stated accurately and fairly without argument or comment, and with appropriate reference to the pages of the record on appeal, *e.g.*, R. C7, or R. 7, or to the pages of the abstract, *e.g.*, A. 7. Exhibits may be cited by reference to pages of the abstract or of the record on appeal or by exhibit number followed by the page number within the exhibit, *e.g.*, Pl. Ex. 1, p. 6.

(7) Argument, which shall contain the contentions of the appellant and the reasons therefor, with citation of the authorities and the pages of the record relied on. Evidence shall not be copied at length, but reference shall be made to the pages of the record on appeal or abstract, if any, where evidence may be found. Citation of numerous authorities in support of the same point is not favored. Points not argued are waived and shall not be raised in the reply brief, in oral argument, or on petition for rehearing.

(8) A short conclusion stating the precise relief sought, followed by the names of counsel as on the cover.

(9) An appendix as required by Rule 342.

Mobile Home Park Landlord and Tenants Rights Act,

(765 ILCS 745/1) Sec. 1. Applicability. This Act shall regulate and determine legal rights, remedies and obligations of the parties to any lease of a mobile home or mobile home lot in a mobile home park containing five or more mobile homes within this State. Any lease, written or oral, shall be unenforceable insofar as any provision thereof conflicts with any provision of this Act.

(765 ILCS 745/6) Sec. 6. Obligation of Park Owner to Offer Written Lease. No person shall offer a mobile home or lot for rent or sale in a mobile home park without having first exhibited to the prospective tenant or purchaser a copy of the lease applicable to the respective mobile home park.

(a) The park owner shall be required to offer to each present and future tenant a written lease for a term of not less than 12 months, unless the parties agree to a different term subject to existing leases which shall be continued pursuant to their terms.

(c) The park owner shall notify his tenants in writing not later than 30 days after the effective date of this Act, that a written lease shall be available to the tenant and that such lease is being offered in compliance with and will conform to the requirements of this Act.

765 ILCS 745/12: Sec. 12. Lease prohibitions. No lease hereafter executed or Currently existing between a park owner and tenant in a mobile home park in this State shall contain any provision: (a) Permitting the park owner to charge a penalty fee for late payment of rent without allowing a tenant a minimum of 5 days beyond the date the rent is due in which to remit such payment;...(d) Permitting the park owner to transfer, or move, a mobile home to a different lot, including a different lot in the same mobile home park, during the term of the lease..

765 ILCS 745/14: Rules and regulations of park. Rules and regulations promulgated and adopted by the park owner are enforceable against a tenant only if: (a) A copy of all rules and regulations was delivered by the park owner to the tenant prior to his signing the lease; (b) The purpose of such rules and regulations is to promote the Convenience, safety and welfare of the tenants, preserve park property from damage or to fairly distribute park services and facilities to the tenants; (c) They are reasonably related to the purpose for which adopted; (d)They apply to all tenants in a fair manner.

765 ILCS 745/16. Improper grounds for eviction. The following conduct by a tenant shall not constitute grounds for eviction or termination of the lease, nor shall a judgment for possession of the premises be entered against a tenant: (a) As a reprisal for the tenant's effort to secure or enforce any rights under the lease or the laws of the State of Illinois, or its governmental subdivisions of the United States; (b) As a reprisal for the tenant's good faith complaint to a governmental authority of the park owner's alleged violation of any health or safety law, regulation, code or ordinance, or State law or regulation which has as its objective the regulation of premises used for dwelling purposes;

APPENDIX A -2

NO.04-05-0186
NO.04-05-0435
ILLINOIS APPELLATE COURT
OF THE 4TH DISTRICT

Glenn J. Hopkins,	)
Cindy S. Hopkins	)
Appellants	)
v.	)
Northbrook Mobile Home Park	)
Corporation, Sheila Cottrill,	)
Ron Cottrill	)
Appellees	)

CONSOLIDATED APPEALS
FROM THE CIRCUIT COURTS OF THE SEVENTH JUDICIAL CIRCUIT
TO THE 4TH DISTRICT COURT OF APPEALS FOR ILLINOIS

NO. 4-05-0435; Hopkins v Northbrook, 2001-L-0227, Judge Cadigan presiding

NO. 04-05-0186; Northbrook v Hopkins, 2001-LM-2161, Judge Hall presiding

APPELLANT'S BRIEF

And short appendix
OF
APPELLANTS GLENN HOPKINS AND CINDY HOPKINS

Oral argument with Court reporting services requested
Request for Certification of the Federal Questions

William Shaffer, Attorney at Law
44 Danbury Drive
Springfield Illinois 52704
217-546-5087

DISCLOSURE STATEMENT

I, William Shaffer, do disclose the following information as follows;

Firm name; William Shaffer and Associates
Sole practitioner: William Shaffer.
Address of Office: 44 Danbury, Springfield Illinois, 62704

In the capacity of Council, I do represent Glenn J. Hopkins, his company identified as Galaxy Innovative Technology, and his Spouse, Cindy Hopkins, in re the following cases in both the Federal and State of Illinois Courts.

HOPKINS v GODFATHERS PIZZA INC. N0. 04-4172. (Judge Scott, on Appeal[1])

HOPKINS dba Galaxy Innovative Tech. v ILLINOIS, STATE FARM INSURANCE CO. NO. 05-1105(Judge Scott, on Appeal)

HOPKINS v NORTHBROOK MOBILE HOME PARK, 2001-L-0227 and

NORTHBROOK MOBILE HOME PARK v HOPKINS, 2001-LM-2168 (on Appeal)

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Appendix A orders of final judgment and notices of appeal

[1] Both cases listed as before Judge Scott are now on appeal due to misrepresentation and malicious interference by Northbrook Council in the prior federal action covered in this cause, resulting in unjust prejudice corrupting other cases that are now before the Seventh Circuit Court of Appeals for resolution.

Appendix B, Separate Brief

STATEMENT OF THE ISSUES

ISSUE I.

As to whether or not Hopkins has stated a DUE PROCESS cause of action under Title II of the Americans with Disabilities Act and 42-U.S.C. 1983 against the State Courts of Illinois from denial of necessary accommodations for his impairments that were required in this case to prevent abuse of the Illinois Judicial system resulting in the violation of his constitutional rights in violation of 42-U.S.C.-1983, entitling him to relief from judgments and an action for compensatory damages.

ISSUE II.

As to whether or not State Court judgments under State law obtained in violation of the Supremacy clause are invalid for purposes of resjudicata, and subject to invalidation by a petition to any competent State Court under 42-U.S.C.-1983, and therefore Hopkins had established valid claims for a subpoena and relief from judgment from (1) Corruption of the State Judicial process in violation of the supremacy Clause by an action under color of state law in violation of 42-U.S.C. 1983, and (2) The refusal of the State to serve written notice of the dismissal of 2001-L-0227 within the time allowed for appeal .

ISSUE III.

As to whether or not Hopkins has been denied a fair hearing and due process in the Courts as to whether or not the Forcible Entry and Detainer act is an unconstitutional State intrusion on interstate and intrastate commerce when used in Mobile Home Park landlord and tenant cases involving disabled mobile home owners.

POINTS AND AUTHORITIES IN SUPPORT OF THE ISSUES

Point of Issue I.

Due to alleged State indifference to the needs of the disabled and their rights established under Federal law, Illinois has denied due process of law and violated Hopkins Federal and State rights as a disabled person for the benefit of a business engaged in interstate and intrastate commerce as a result of a conspiracy to violate Civil Rights in violation of 42-U.S.C. 1983 and Title II of the ADA, as a violation of 42-U.S.C.-1983 occurs from any action of a party under color of a state law, practice, policy or procedure to violate the federal civil rights of a protected person[2]. It is contended that the intent and purpose of the Americans with Disabilities Act under Title II requires that the State Courts must provide for the reasonably necessary accommodations for Hopkins' impairments even if it results in preferential treatment to the disabled, so as to enable Hopkins, as qualified individual who is disabled within the intent and meaning of the act, to compensate for his impairments and thus be able to obtain both a fair trial and meaningful appeal in the State Courts, that Hopkins was denied these necessary accommodations to his injury, and was tortuously injured as a direct result of a conspiracy to violate civil rights under color of an unconstitutional State law, and is entitled to an action for damages against the State of Illinois

---

[2] **To determine if Hopkins claims are valid as to the State Courts having in fact so denied due process, thereby invalidating the two Court judgments against Hopkins, it is necessary to determine a question of statutory interpretation and application of Title II of the Americans with Disabilities act, 42-U.S.C. Sec. 12131, and the interpretation and application of Conspiracy to violate Civil Rights, 42-U.S.C. 1983, to the elements of this action.**

under Title II of the ADA, and relief from the judgments under 42-U.S.C. 1983 and 2-1401 of the Illinois Code of Civil Procedures.

Summary of Authorities of Issue I.

Tennessee v Lane, 315 F.3d 680. (As to the applicability of Title II of the ADA to the State Courts in their conduct as to the requirement to make fair and reasonable accommodations for qualified individuals as a matter of due process)

U.S. Airways Inc v Barnett, 228 F.3d 1105 (As to the requirement for making preferences for qualified individuals so as to accommodate their impairments whenever it is fair and reasonable to do so.)

PGA Tour v Martin, 204 F.3d 884 (as to the requirement under the ADA to make modifications to rules and procedures for the benefit of a disabled person even if others do not receive the same benefit.)

Griffin v Illinois, 351 U.S. 12 (1956) (As to the right of a record on appeal, State Courts are forbidden from allowing the record to only be available based on the ability to pay.)

Powell v Alabama, 287 U.S. 45 (1932) (as to the necessity for Courts to appoint council for the mentally impaired indigents as a matter of due process of law. Refusal to hear an issue by the Court is defined as a denial of Due Process of law.)

California Motor Transport, 404 U.S. 512-513 (1972) (Respondents purpose to deprive competitors free and meaningful access to the Courts are forms of illegal conduct which corrupt judicial process.)

Boddie v Connecticut, 401 U.S. 371, 379 (1971) ("This duty to accommodate is perfectly consistent with the well-established due process principle that, "within the limits of practicality, a State must afford to all individuals a meaningful opportunity to be heard" in its courts.)

Lugar v Edmondson Oil Company Inc, 457.U.S. 922. (State law, policy, practice, procedure, or Court judgments which violate federal laws and protected civil rights are subject to action as States cannot allow the

violation of Federal law by use of State machinery. "Private use of challenged State procedures with the help of State Officials constitutes State Action under the 14th Amendment.")

Point of Issue II.

Under the Supremacy Clause, Illinois is prohibited from directly, indirectly, or constructively delegating to the State Courts the power to deny Due Process of law, or to allow the ruthless exploitation of the Disabled in violation of Federal law by State regulated businesses engaged in commerce by private actions under color of state law in the State Courts. Illinois cannot allow it's State Court judgments to be "enforced" for purpose of estopple from actions taken under color of state law for purposes that intentionally violates the intent and purpose of Federal law under the well pleaded complaint rule of Federal law and the 1st Amendment, as these judgments obtained in this manner are corruptions of the State Judicial process and subject to challenge by petition and involuntary subpoena of the State Judges who participated before any competent State Court under 42-U.S.C.-1983 and 2-1401 of the Code of Civil Procedures, in re California Motor Transport.

Summary of Authorities of Issue II.

Holmes v Vornado, 534 U.S. 1016 (2001) (Issues of Federal law are raised only by complaint. Counterclaims and Answers that raise issues of Federal law in State Court actions are prohibited as it would cancel the right of Plaintiff to control the Forum, and allow transfers that frustrate reasonable state governmental policy.)

ALDEN V. MAINE, 527 U.S. 706 (1999) ("A State's constitutional privilege to assert its sovereign immunity in its own courts does not confer upon the State a concomitant right to disregard the Constitution or valid federal law.")

Caterpillar Inc. v. Williams, 482 U.S. 386, 392 (1987)(The principle of the Well Pleaded Complaint rule is that federal issues exist "only when a federal question is presented on the face of the *plaintiff's* properly pleaded complaint.")

Silkwood v Kerr-McGee Corp. 464 U.S. 238(1984) (Federal law preempts State law whenever the enforcement of any state law would invalidate or supercede federal law.)

Tumey v Ohio, 273U.S. 510. (The U.S. Supreme Court has repeatedly held state proceedings deficient as to fair due process safeguards "to violate due process " when a party has been deprived of well established statutory or common law state or federal rights or protections, as a *protection against arbitrary and inaccurate adjudication)*

Associated Industries of Missouri v Lohman, 114 S. Ct. 1815, 128 L. Ed. 2d 639 (1994) (States cannot delegate to their subdivisions the power to violate constitutional rights to due process, as states cannot delegate power the States do not have under the supremacy clause.)

In Re Gault, 387 U.S. 1, (1967) (Due process requires in such proceedings that adequate written notice be afforded...such notice must inform them "of the specific issues they must meet" and must be given at the earliest practical time...to permit preparation.)

Hudson v Palmer, 468 U.S. 517 (1984) (States must provide post deprivation of rights relief as a matter of due process.)

Mitchum v Foster 407 U.S. 225, 242 (1972) "the very purpose of 1983 is "to interpose the federal courts between the states and the people as guardians of the peoples federal rights."

Free v Bland, 369 U.S. 663. "The relative importance to the State of it's own law is not material when there is conflict with a valid federal law, for the framers of the constitution provided Federal Law must prevail."

Osborne v. Ohio, 495 U. S. 103, 122-125. (Osborne applied the general principle that a timely effort to bring a federal issue to the attention of the trial court, enabling it to take appropriate action, satisfies legitimate state

interests, and therefore suffices to preserve the claim for Appellate review and federal review jurisdiction by the U.S. Supreme Court.)

California Motor Transport, 404 U.S. 512-513 (1972) (Respondents purpose to deprive competitors free and meaningful access to the Courts are forms of illegal conduct which corrupt judicial process.)

Point of Issue III.

Hopkins is unconstitutionally denied access to the Courts on the question as to whether or not the Forcible Entry and Detainer act constitutes an unnecessary intrusion by the State into interstate and intrastate commerce transactions of Mobile Home park operators and disabled Mobile Home owners to the unlawful benefit of the Mobile Home Park operators in violation of 42-U.S.C.-1983. A mobile home park operator, by his deliberate violation of the Mobile Home Park act, ADA, and Fair housing act has been allowed to establish a cause of action under the Forcible Entry and Detainer Act that is based on the product of this intentional violation of other state laws regulating mobile home parks that Hopkins as disabled mobile home owner has no defense against in a State Court convened under Forcible Entry, which precludes joinder with any prior action as a matter of statute, thus per-se violating the equal protection of law clause of the 14th amendment, denied Hopkins due process, and with the absence of a public safety interest violates the Commerce Clause.

Summary of Authorities of Issue III.

People Ex Rel Fahner v. Hedrich, 108 Ill. App.3d 83 (Mobile home owners are consumers engaged in commerce, Mobile Home parks are regulated in the public interest to protect that commerce.)

Dennis v Higgins, 498 U.S. 439 (1991) (Suits for violation of the commerce clause can be brought against the States under 42-U.S.C. 1983)

Soldol v Cook County, Ill, 506 U.S. 56 (1992) (State agencies (which include the Courts) knowing of the violation of state and federal laws by a park operator just cannot stand by and let the violation happen without incurring liability for negligence, "Certain wrongs affect more than a single right, and accordingly can implicate more than one of the constitutions commands.")

CASELAW AUTHORITIES RELIED UPON IN THIS BRIEF

1. Allison v Kerasotes, 4-04-0390 (4th District, 2005) page 64
2. Arnold v. United Parcel Serv., Inc., 136 F.3d 854, 861 (1st Cir. 1998) Page 31
3. *Associated Industries of Missouri v Lohman, 114 S. Ct. 1815, 128 L. Ed. 2d 639 (1994) Page 50
4. *ALDEN V. MAINE, 527 U.S. 706 (1999). Page 45
5. Bank of Belleville v. Stidmire 119 Ill. Sup. 3d 73 456 N.E. Ed 175 74 Ill. Dec. 673 (5th District 1983) Page 55
6. *BIBB, v. NAVAJO FREIGHT LINES, 359 U.S. 520 (1959) page 53
7. *Boddie v Connecticut, 401 U.S. 371, 379 (1971) Page 37
8. *California Motor Transport, 404 U.S. 512-513 (1972) Page 33
9. *Caterpillar Inc. v. Williams, 482 U.S. 386, 392 (1987) page 26
10. *Carry v Piphus 435 U.S. 247 page 49
11. * Commissioner v. Schleier, 515 U.S. 323 (1995) page 35
12. * Dasher v Supreme Court of Texas, 658 F.2d 1045 (1981) page 25
13. *Dennis v Higgins, 498 U.S. 439 (1991) Page 55
14. *EX PARTE YOUNG, 209 U.S. 123 (1908) Page 47
15. *Free v Bland, 369 U.S. 663. page 49
16. *Gideon v Wainright 372 U.S. 335 (1963) Page 27
17. *Griffin v Illinois, 351 U.S. 12 (1956) Page 37
18. *Holmes v Vornado, 534 U.S. 1016 (2001) page 42
19. *Hudson v Palmer, 468 U.S. 517 (1984) Page 51
20. *In Re Gault, 387 U.S. 1, (1967) Page 51
21. *JINKS V. RICHLAND COUNTY 349 S. C. 298, 563 S. E. 2d 104. Page 26
22. *Johnson v Avery, 393 U.S. 483, 485 (1969) Page 20
23. *Liteky v. United States, 510 U.S. 540 (1994). Page 23
24. *Lugar v Edmondson Oil Company Inc, 457.U.S. 922. Page 33
25. *Nebbia v New York 291 U.S. 502 (1934) Page 26
26. *Osborn v. Ohio, 495 U. S. 103, 122-125. Page 22
27. *Palmer v. City of Decatur, 814 F.2d 426, 428-29 (7th Cir. 1987) Page 50
28. *PGA Tour v Martin, 204 F.3d 884 Page 34
29. *Phillips Petroleum Co. v. Texaco Inc., 415 U.S. 125, 127—128 (1974) page 45
30. People v Evans, 163 Ill. App. 3d 561, 516 N.E.2d 817 (1st Dist 1987.) Page 55
31. People Ex Rel Fahner v. Hedrich. 108 Ill. App.3d 83 Page 53
32. *Personnel Administrator of Massachusetts v. Feeney, 442 U.S. 256, 279 (1979) page 46
33. *Powell v Alabama, 287 U.S. 45 (1932) Page 46
34. Rosewood Corporation V. Fisher 263 N.E.2d 833 page 55

35. *Silkwood v Kerr-McGee Corp. 464 U.S. 238(1984) Page 55
36. Sherwood Manor v Elliot 947 F. Supp. 1574,1577. (MD. FL. 1996) Page 53
37. *Soldol v. Cook County.506 U.S. 56 (1992) Page 53
38. *Tennessee v Lane. 315 F.3d 680. Page 26
39. *Thomas v Collins 323 U.S. 516, 65 S. Ct 315, L. ed. 430 (1944) page 53
40. *Tumey v Ohio. 273U.S. 510. Page 55
41. *U.S. Airways Inc v Barnett. 228 F.3d 1105 Page 34
42. *West Lynn Creamery v Healy. 512 U.S. 186 (1994) Page 52
43. *WILSON v. GARCIA. 471 U.S. 261 (1985) page 24

Constitutional and Statutory authorities in question

Constitutional Issues are based on these Articles:
Article I- Commerce Clause
Article VI-Supremacy Clause

Amendment I

Amendment XIV

Federal Statutory provisions in Question are based on:

Title II of the Americans with Disabilities act,
42-U.S.C. Sec. 12131, (1)(2),
42-U.S.C.Sec. 12132.
Title III of the Americans with Disabilities act,
42-U.S.C. Sec. 12181.
42-U.S.C. Sec. 12182.
Fair Housing Act 42-U.S.C. Sec. 3601, 3 (B)
Equal rights under the law 42-USC-1981 (c) Protection against impairment
Civil action for deprivation of rights: 42-USC-1983
Action for neglect to prevent 42-USC-1986.

STATE STATUTES IN QUESTION:

Involuntary Dismissal 735 ILCS 5/2-619 (a) (3) and (4).
Forcible Entry (735 ILCS 5/9-102/4)
Forcible Entry (735 ILCS 5/9-106)
Mobile Home Park Landlord and Tenants Rights Act:
(765 ILCS 745/1) Sec. 1. Applicability.
(765 ILCS 745/6) Sec. 6. Obligation of Park Owner to Offer Written Lease.
(765 ILCS 745/12) Sec. 12. Lease prohibitions
(765 ILCS 745/16) Improper grounds for eviction.
(765 ILCS 745/21) Sec. 21. Remedies. Tenants
Consumer Fraud and unfair and Deceptive Business Practices Act:
815 ILCS 505/1: Sec. 1. (c)
815 ILCS 505/2 Unfair methods of competition and unfair or deceptive acts or practices.

735-ILCS-5/2-1401, Relief from judgments. (c) and (f).

See separate Appendix for full text of laws in question, proof of Impairment, and Northbrook's Appellees brief in the first Appeal.

-FINDINGS OF JUDGE HALL-

January 12, 2005

"Plaintiff in Court by Attorney Nicholson. Defendant in Court in person and by Attorney Shaffer. Although the Court feels that it has lost jurisdiction due to the time that has elapsed since the judgment, even assuming that Defendants appeal tolled the time, the Court will address Defendants issue.

Under Tennessee v Lane, a disabled person must receive modifications to allow him or her to participate in the judicial process, but only when the disabled person is otherwise eligible for service. In this case, no litigants is given the right to a court reporter, and therefore, a brain damaged person would also not have that right. That slippery slope would lead to the right of an attorney in civil cases for people with limited intellectual abilities. While that would not be a bad idea, no such right presently exists. In addition to the reasons stated above, defendants Motion for Relief from Judgment is denied as moot in that Defendant does not wish to return to the mobile home from which he was evicted. He requests an award greater than $50.000 from the State of Illinois for denial of due process and /or violations of the American with Disabilities act, However the state is not a party to this case, and this Court would not have jurisdiction over such a matter. Motion denied, cause stricken."

January 24, 2005

Called on objection to ex Parte Communication (Motion to Vacate Judgment). Motion denied. The Court cannot recall if a request was made by Plaintiff to provide case law as to jurisdiction or whether such a request was granted, but the question is irrelevant in that the Court denied Hopkins motions on its substantive merits, not on Northbrook's argument as to lack of jurisdiction. Notice to be given by clerk to attorneys."

-ORAL FINDING OF JUDGE CADIGAN-

"Hopkins cannot obtain relief under 2-1401 from the States failure to serve notice of judgment that would have allowed appeal as a matter of Illinois Supreme Court policy because Hopkins had the duty to check his case for

judgments. Whatever the merits of Hopkins Federal issues, I find since Judge Shiffman has already found for Northbrook, this would be relitigating the same issues- I consider his claims are all barred by resjudicata. Hopkins ADA claims may have merit but the State is not a party to the action. I am granting sanctions that bar Hopkins from any further filings in this matter before this Court without leave of Court, Northbrook is instructed to prepare such order."

JURISDICTIONAL STATEMENT

Jurisdiction of this Illinois Court of Appeals is established under Federal law by 28 U.S.C. § 1367(d), and state law under Illinois Supreme Court rule 301 on the basis of: (A) The Civil action entitled Hopkins v Northbrook 2001-L-0227 was filed July 26, 2001 under the Mobile Home Park Landlord and Tenants Rights Act of 1980, 765-ILCS-745/1 et Seq, The Consumer Fraud and Unfair and Deceptive Business Practices Act, 815-ILCS-505/2, and federal laws of Conspiracy to violate Civil Rights, 42-U.S.C. 1983, the Americans with Disabilities Act, Title III. 42-USC-sec 12181. This Action was dismissed without service of notice on August 28, 2003. Hopkins sought relief from perceived State judicial corruption in seeking relief based on his federal claims in the District Court on December 8, 2003; action was dismissed on April 19, 2004. Petition for Relief was filed May 20, 2004 under 42-U.S.C. 1983 and 2-1401 of the Code of Civil Procedures. State Court Petition was denied on February 23, 2005, Notice of Appeal was filed February 23, 2005, Appeal was dismissed as untimely on April 20, 2005. Order of sanctions was signed April 25, 2005. Notice of Appeal refiled May 13, 2005. This establishes This Appellate Courts Jurisdiction over Hopkins v Northbrook, 2001-L-0227 under Illinois Supreme Court Rule 301, and on the basis of (B), The Forcible Entry action entitled Northbrook v Hopkins, 2001-LM-2161 was filed November 2, 2001 under the Code of Civil Procedures Forcible entry and Detainer Act, 735-

ILCS-5/9-102. Final Judgment was entered for Northbrook in Northbrook v Hopkins, 2001-LM-2161 on January 2, 2002. Cause was appealed. After denial of Certiorari, Hopkins sought relief from perceived State judicial corruption in seeking relief based on his federal claims in the District Court on December 8, 2003; action was dismissed on April 19, 2004. Petition for Relief was filed in that cause Northbrook v Hopkins 2001-LM-2161, on May 20, 2004 under 42-U.S.C. 1983 and 2-1401 of the Code of Civil Procedures. Northbrook v Hopkins, 2001-LM-2161 was denied on January 24, 2005, notice of appeal was filed February 23, 2005. This establishes This Appellate Courts Jurisdiction over Northbrook v Hopkins, 2001-LM-2161 under Illinois Supreme Court Rule 301, Appeal is a matter of Right.

STATEMENT OF THE CASE

This Appeal poses Federal questions under the Supremacy Clause as to whether the State Courts of Illinois have unconstitutionally invalidated Federal laws established for the protection of people with disabilities, and has thus negligently permitted unlawful exploitation and injury of a disabled Mobile Home owner by a Mobile Home Park operation engaged in intrastate and interstate commerce after that disabled consumer had filed for protection in the State Courts a federal and state civil rights action. The State, by allowing this preemptory action of the Park operator under color of state law, then denied that same disabled Mobile home owner access to the State and Federal Courts on his prior filed federal and State claims without there ever having been a hearing on the merits of these claims under color of resjudicata and 2-619(a)(4). Judicial process in Illinois has been corrupted as a consequence of misrepresentation, fraud and misfeasance by a private business engaged in commerce, and the State of Illinois has discriminated against Hopkins as a disabled mobile home owner as a matter of negligent

indifference in violation of the Americans with Disabilities act, denied him due process on his federal claims and violated his First Amendment rights in violation of 42-U.S.C.-1983, entitling Hopkins to relief from Judgments and damages.

STATEMENT OF THE FACTS IN THIS CASE[3]

1. Glenn J. Hopkins was a disabled Mobile home owner, and with his spouse, entered into a lease agreement for one of several available mobile home park lots owned by Respondent on March 24, 2001. Hopkins selected lot 73 on March 26, 2001, moved their mobile home into the park on March 29, 2001. (R.A. C000029, 38, and C000100, Index lines 2-7, and Hopkins v Northbrook, 2001-L-0227 Amended Complaint)

2. Northbrook retained control of the lease Documentation until Hopkins moved the mobile home in, subsequently thereafter modified[4] the terms and conditions of the Hopkins original signed lease agreement from the Statutory 12 months as required under 765-ILCS-745/6, to seven months, and imposed handwritten conditions of continued tenancy that was specific only to Hopkins tenancy, without the prior knowledge or consent of Hopkins, and thereafter served Hopkins a copy of this said modified lease agreement on April 6, 2001, after Hopkins had moved in and had no funds to relocate. There was no valid lease to the premises. (R.A. C000100, Index lines 7-17, and Hopkins v Northbrook, 2001-L-0227 Amended Complaint S.R.A.C00059).

3. June rent was due June 1, 2001, and was paid on June 6, 2001. Northbrook thereafter demanded a late fee of $60.00 on June 10, 2001, claiming entitlement pursuant to terms of the lease, which Hopkins refused

[3] (*Statement of Facts is from the Joint Petitions for Relief filed in this cause.)

to pay, stating it was unlawful, and reported this matter to the Attorney General of Illinois. Northbrook canceled the skirting deal in retaliation. (R.A. C000100, Index lines 17-21, C000101, index lines 6-9, and Hopkins v Northbrook, 2001-L-0227 Amended Complaint). 4. On June 27, 2001, Hopkins witnessed and reported to police an act of property damage on another tenant's property by Brandon Potts, an alleged business associate of Appellees operating Pine Ridge Mobile Home Sales. Potts then gave notice of eviction of Hopkins in retaliation for his calling the police, claiming the cause would be for not having painted the home in managements chosen color, not having skirting, and quoting the terms of the lease as if he were a party to them.[5] (R.A. C000101, Index lines 10-18, and Hopkins v Northbrook, 2001-L-0227 Amended Complaint S.R.A.C00068.)

5. Northbrook agents Ron and Sheila Cottrill subsequently that same day again demanded payment again of the late fee, then after it was refused, served verbal notice to move the home by the end of the month or Hopkins was to surrender title to the home, stating as cause the very same claims of failure to perform pursuant to terms of the lease as had Potts. (R.A. C000101, Index lines 19-24, and Hopkins v Northbrook, 2001-L-0227 Amended Complaint)

6. This verbal Notice was followed by a written notice from Council identified as Beth Wilkie on July 5, 2001 stating in writing the very same allegations.[6] Glenn Hopkins, a disabled person, unable to move his home,

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[4] Without argument, this fact is a necessary element of conspiracy to violate civil rights under 42-U.S.C.-1983 that was alluded to in Hopkins v Northbrook, 200-L-0227(S.R.A.C00059)

[5] Potts has assaulted and battered Hopkins before when he managed another park, see C000269-272.

[6] the mobile home had been green and white tone when it was moved in, Northbrook required it to be repainted solid gray until they and Potts changed their minds, and there was no skirting in that Northbrook breached an agreement to supply skirting on June 10, 2001 that is alluded to in Hopkins v Northbrook, 2001-L-0227.

had such a severe anxiety attack that it caused a heart attack on July 11, 2001. (R.A. C000101, Index lines 24-28, and Hopkins v Northbrook, 2001-L-0227 Amended Complaint S.R.A.C00059)

7. Hopkins subsequently filed a Pro-Se Civil Action in the Seventh Circuit Court of Illinois for damages in excess of $50.000, and to enforce allegedly protected interests under State and Federal laws against Northbrook on July 16, 2001. (R.A. C000101 Index line 30, C000102, index line 3)

8. While that action was pending hearing on a motion to amend and a preliminary Injunction for the protection of Hopkins from an intervention action under the Forcible Entry and Detainer Act, Northbrook agents commenced dumping garbage and debris on Hopkins lot and the adjacent lot, threatening other tenants with eviction to intimidate witnesses, killing Hopkins dog by beating it to death while it was on the chain, and ordering wrecker services to seize Hopkins motor vehicles at night[7], repeatedly requiring police intervention to get them back, with three vehicles, a 1984 ford truck owned by Cindy Hopkins that was returned with sand in the oil pan that destroyed it's engine, a 1989 Dodge Colt also owned by Cindy Hopkins (to replace the truck) that was returned without it's computer, and a 1985 Chevy Beretta that belonged to Serina Hopkins, (daughter) that was returned with a hole torn in its drivers side door and the transmission housing cracked, resulting in the total loss of the vehicles. (R.A. C000102, Index lines 4-5) (S.R.A.C00286)

9. Northbrook Council Manson, Lahr, and Beth Wilkie then brought a separate action for possession under color of the Illinois Code of Civil

[7] Without argument, this fact is an element of a conspiracy to violate civil rights under 42-U.S.C.-1983 alluded to in Hopkins v Northbrook, 200-L-0227

Procedures Forcible Entry and Detainer act, 735 ILCS 5/9-102/a (4) on November 2, 2001, which is the matter of Northbrook v Hopkins, 2001-LM-2161 that is also before this Court in this appeal. (R.A. C000001) Appendix B, H, page 77-80.

10. In that intervening action Hopkins, acting Pro-se, filed a combined Motion to dismiss under Illinois Code of Civil Procedures sections 2-619(3) and Section 2-615[8]. These motions clearly disclosed that Northbrook was a defendant in a prior civil action brought by Hopkins as a disabled person entitled Hopkins v. Northbrook, 2001-L-0227 filed July 16, 2002, raising by Judicial Notice {That the action was under The Mobile Home Park Landlord and Tenants Rights Act, 765- ILCS-745/1 et seq., The Consumer Fraud and Unfair Business practices Act 815-ILCS-505/2, and the Americans with Disabilities Act, 42-U.S.C. 12181.} Under Section 2-619(a)(3) Hopkins claimed "That there is another action pending between the same parties for the same cause" which required that the second action between the same parties for the same cause was to be dismissed if a hearing of it would create a collateral estoppels bar to the prior filed cause, and disclosed under section 2-615 that Northbrook did not have a legitimate cause of action in that the lease was not valid, enumerating specific provisions in the lease and its associated park rules that were in prima facie and unequivocal violation of the act, so that lease could not be enforced as a matter of law or equity under 765-ILCS-745/1. It was further alleged as clearly apparent that this second action was one of reprisal in violation of 765 ILCS 745/16, because filing a complaint in a Court meets (b) "As a reprisal for the tenant's good faith complaint to a governmental authority..."(R.A. C000102, Index lines 9-21)

[8] Hopkins could not raise his federal claims in this proceeding except by use of Judicial Notice.

11. Northbrook, represented in Northbrook v Hopkins 2001-LM-2161 by Beth Wilkie, with assistance of Councils Manson and Nicholson who were also handling the first action Hopkins v Northbrook 2001-L-0227, filed a response claiming Section 2-619(A) (3) did not apply to Forcible Entry actions as a matter of Illinois Supreme Court Policy, that the issue of validity of the lease and the park rules was properly matters for their trial, stating a superior right of action. (R.A. C000102, Index lines 22-30, C000045-47).

12. Judge Shiffman, Trial Court of Northbrook v Hopkins, 2001-LM-2161, while knowing Hopkins was impaired, refused to recuse himself, did not provide an attorney, denied Hopkins access to a Court reporter unless he could pay for it in advance. On December 20, Judge Shiffman denied the Motions to Dismiss without recording his reasons for his denial in the common law record. Hopkins recalls Judge Shiffman commenting that the issues of Federal disability law and the numerous state law violations of the Mobile Home Park Landlord and tenants Rights Act were not germane to this action of Forcible Entry, claiming that "the lease did not have to be valid in order for Northbrook to bring action when the lease expired of its own limitations based on Fisher. When Hopkins pointed out that this would result in dismissal of Hopkins action under resjudicata, Judge Shiffman stated that "Hopkins was to take the issues of Northbrook's violations of law up with the other Court", Judge Shiffman citing People v Evans, but not recording that fact in the record. (R.A. C000103, Index lines 4-15)[9]

13. A bench proceeding was held on January 2, 2002 with only the Court judge, Beth Wilkie, Sheila Cottrill, and Glenn Hopkins present.

[9] Without argument, this fact is an element of a conspiracy to violate civil rights under 42-U.S.C.-1983 alluded to in Hopkins v Northbrook, 200-L-0227

Hopkins issues related to the prior cause were precluded "as belonging to the other action" and not Germane, thus Hopkins could not prove his affirmative defenses. Judgment was then entered for possession to Northbrook in that summary bench proceeding based on a trial lasting all of 20 minutes.

14. Northbrook Council Almon Manson, in the hearing held on January 7, 2002 before Judge Cadigan, then verbally moved to dismiss Hopkins v Northbrook 2001-L-0227 claiming there was resjudicata from the January 2, 2002 judgment. Hopkins appealed Judge Shiffman's decision on January 23, 2002. Opinion was released October 16th, 2002. See R.A. C000092. Supplemental facts:

15. While Hopkins was appealing this decision of Judge Shiffman, Hopkins was not permitted to move his mobile home without paying the attorney fees of both actions by verbal order of Judge Shiffman on February 25, 2002, and while Hopkins home was kept in the park pursuant to Judge Shiffman's verbal order, Potts and Northbrook park management stripped the home of its furnace, washing machine and dryer, water heater, stove, refrigerator, electrical outlets, ceiling fans, leaving the home an empty shell full of garbage, and utterly uninhabitable without paying thousands of dollars in repairs, resulting in a complaint of Judicial misconduct being filed against Judge Shiffman. (R.A. C000320-321)

16. On November 17, 2003, 30 days after denial of Hopkins petition of Certiorari, (S.R.A.C00249) Hopkins discovered Hopkins v Northbrook had been dismissed without notice on August 28, 2003 by order of Judge Cadigan.

17. Hopkins then brought an action in the Federal Courts under Rule 60 and 42-U.S.C-1983 on December 8, 2003, R.A. C00197 Index lines 4-9.

Relief was denied on April 19, 2004 on 11th Amendment and resjudicata grounds. R.A. C000188-215 a.[illegible]3-226.

18. Hopkins filed joint petitions for relief on May 20, 2004 pursuant to a federal right established under Title 28 U.S.C. §1367(d), and subpoenaed Judge Shiffman to obtain the truth about what transpired in his Courtroom under the 1st Amendment. Judge Shiffman, when apprised of his part in a federal civil rights conspiracy violation, exercised the right to remain silent, choosing not to confirm or deny the issues of federal civil rights violations in the petitions. (R.A.C00498-504)

-ARGUMENTS-

A. STANDARDS OF REVIEW

Petitions for relief are not substitutes for Appeal, Courts of Appeal generally review Petitions for relief only for abuse of discretion, and will not usually reverse a denial of a petition for Relief, except when there is a showing that; (a) there has been a Supremacy Clause violation in re EX PARTE YOUNG, (b) a Fraud or misfeasance upon the Courts, in re California Motor Transport, (c) a Constitutional rights violation overlooked or disregarded by the Appeals Courts, in re Powell v Alabama, (d) a denial of fair and meaningful access to the Courts, in re Tennessee v Lane, or (e) the adjudicator has contradicted U.S. Supreme Court policy as to what constitutes due process, in re Gault, or (f) has otherwise failed to exercise sound, reasonable legal decision making skills from lack of impartiality, in re Tumey v Ohio: to wit, errors that are so fundamental that they infect the validity of the underlying judgment itself, when there is a "showing of extraordinary circumstances that create a substantial danger that the underlying judgment was unjust." see Del Carmen v Emerson Elec. C., Commercial Cam Div. 908 F.2d 158, 161 (7th Cir. 1990). Issues of Federal

Statutory construction, interpretation, and application that invalidate a State law, policy, practice, procedure, or Court Judgments are reviewed Denovo, in re Alden v Maine.[10]

Background of the Issues of the Cause

Hopkins, a "qualified" disabled person under the Americans with Disabilities act, as a mobile home owner was subjected to violations of his State and Federal rights by Northbrook agents, legal council, and local business associates who were unlawfully operating public accommodations in interstate and intrastate commerce, resulting in Hopkins filing for protection a Civil Action in the State Court under Federal laws protecting the disabled, the Mobile Home Park regulatory act, and consumer protection statutes, on July 16, 2001, as amended August 16, 2001, in re Johnson v Avery, 393 U.S. 483, 485 (1969), see Amended Complaint, Hopkins v Northbrook, 2001-L-0227. This cause of Hopkins v Northbrook, 2001-L-0227 therefore concerns issues of Federal law in the State Courts, wherein certain unique rules, policies, and procedures apply that ordinarily do not, which the State Courts must consider as the District Courts would do, in re: ALDEN V. MAINE, 527 U.S. 706 (1999).

It should be noted that Civil Actions in State Courts under Federal Disability statutes are protected by the 1st Amendment and the Due process clause of the 14th Amendment from arbitrary dismissal by the State Courts without there having been a hearing on the merits of the Federal claim in a

[10] In determining whether or not the court has abused its discretion in it's consideration of the above factors in the denial of a petition, Courts of Appeal are required to make at least a limited review of the merits of the underlying issues in the case, as well as noting any extraneous matters that may have had an impact on the decision such as lack of impartiality or judicial bias, in re Degan v United States, 517 U.S. 820 (1996) "A courts dignity derives from respect accorded it's judgments...That respect is eroded, not enhanced by excessive recourse to rules foreclosing consideration of claims on the merits."

forum that has subject matter jurisdiction. This is to protect Federal claims from *arbitrary and inaccurate adjudication* in State law proceedings such as Forcible Entry and Detainer, in re Tumey v Ohio. "*Subject matter jurisdiction*" arises only when a State Court Plaintiff raises the federal issue in the complaint, in re Caterpillar v Williams, these issues of federal law in the State Courts cannot otherwise be raised or introduced by any State Court defendant on motion to dismiss, answer, or counter claim in any defense to a state law action so as to protect the States rights to enforce their own laws in their own Courts, in re Holmes v Vornado. These Civil Actions of Federal law in State Courts are thus protected from dismissal under 2-619(A)(4) by 42-U.S.C.-1983, as State Courts have no "subject matter jurisdiction" over Federal claims-if a party did not raise the applicable federal issue in their complaint, then there is no resjudicata from that state action to any federal claim even if the Federal claim "opposed on grounds of Resjudicata" is based on matters between the same parties and the same transaction and occurrence. (S.R.A.C00459-462)

This issue of applicable Federal laws in the State Courts pertains particularly to certain factual conduct of Northbrook agents, legal council, and local business associates in this combined action. Northbrook agents and legal council, in response to Hopkins Civil action and Petition for Injunction filed July 16, 2001, as Amended August 16, 2001, did on November 2, 2001 use the State Courts of small claims under color of state law for purpose of a "separate action" under the Forcible Entry and Detainer Act, so as to exercise their 1st Amendment right to obtain a judgment, and did create a State Court collateral estopple bar to Hopkins prior filed action,

thus denying Hopkins access to the Courts and due process of law on his Federal claims.[11]

It was a successful "foretold" conspiracy in violation of 42-U.S.C.-1983, totally corrupting the State Judicial Process, and was accomplished by aid of the State Courts in the following way and manner:

a. Northbrook's State Law complaint, Northbrook v Hopkins, 2001-LM-2161, under Forcible Entry and Detainer, by Almon Manson, see Appendix B, item H, page 76, who intentionally omitted all references to Hopkins prior filed Civil Action in which He represented Northbrook, claiming that Hopkins had violated the terms of his lease, that Northbrook chose to not renew the lease because Hopkins had violated the terms of his lease, and having given notice under Illinois law, was entitled to immediate possession of the lot as a matter of state law.

b. Hopkins, by motion[12] under section 2-619(a)(3), properly gave notice to the State Court that there was another action pending between the parties for the same transactions, identifying the prior action, and properly raising his issues of federal law only by Judicial Notice, in re Osborn v Ohio, (i.e. Hopkins v Northbrook, 2001-L-0227(S.R.A.C00059,) and that by proceeding, the prior action would be estoppeled without a hearing on it's merits. Hopkins pointed out under section 2-615 that there was no lease as the lease was per se invalid and was legally unenforceable under 765-ILCS-745/1, thus no legitimate cause of action could arise from any violation of

[11] 42-U.S.C.-1983 does not require the State official to be a coconspirator, or have intent to violate any persons rights, it requires only that the official acted in his official capacity on that parties behalf creating the necessary state action resulting in the violation of another parties Federal Civil Rights, see Lugar v Edmondson.

[12] Council reminds the Court that issues of federal law in a State Court cannot be raised by Motion to Dismiss, answer or counter claim, in re Holmes v Vornado, 534 U.S. 1016 (2001). Judicial notice is all that is allowed. see Osborn v Ohio.

the "lease", and cited direct evidence based on the "lease" which utterly impeached its legal validity under 765-ILCS-745/1.

c. Northbrook filed a Motion to deny Dismissal claiming that Northbrook had a superior right as a matter of Illinois Supreme Court policy to proceed unimpeded. (R.A. C000102, Index lines 22-30, C000045-47).

d. Judge Shiffman was discovered by Hopkins to be the Judge presiding in the first appearance on November 19, 2001. Judge Shiffman, who knew Hopkins was disabled, (1) refused to recuse himself when Hopkins requested it for cause[13], (2) did not offer Hopkins the benefit of council, and (3) refused to provide a Court reporter for these proceedings unless Hopkins paid for it in advance. (4) On December 20, 2001, Judge Shiffman then refused to record in the record under his control that he had stated that Hopkins prior filed State and Federal claims action could not estopple Northbrook's separate action under section 2619(a)(3) for lack of being germane as the lease is not required to be valid before it is terminated, citing Rosewood Corporation V. Fisher, and (5) refused to record in the record under his control his statement that the Landlords violation of federal laws and the Park regulatory act which had invalidated the lease were not germane to the

[13] Illinois does not require any state judge to recuse himself on request even if the party knows that there is no possibility of there being a fair trial. This is contended to violate the Due Process clause in re Liteky v United States, 510 U.S. 540 (1994).
It is a matter of public record that In Shulte v Hopkins 88-LM-0048. Judge Shiffman refused to allow Hopkins council to raise the issue of section 207.7 of the park act which allows a park tenant to reject a written lease that is invalid without loss of tenancy. Judge Shiffman evicted Hopkins for rejecting the lease pursuant to section 207.7 under the Forcible Entry and Detainer act-a denial of due process in re Powell v Alabama. Judge Shiffman resorted to legal rules in that case to benefit Shulte who was in the process of evicting mobile home owners from the park so as to park his rental mobile homes, and using a corrupted and invalid lease to do it. Hopkins pointed out to Judge Shiffman that this was the same kind of legal practice used by the German Courts in Nazi Germany to rob Jews, which due to Judge Shiffman being Jewish, was regarded as offensive. Hopkins, who is not anti-Semitic, nonetheless is regarded as such by Judge Shiffman, and treated accordingly.

right of the landlord to obtain possession once the lease had ended of its own limitations, citing People v Evans.

e. After a hearing on January 2, 2002, where Hopkins Federal claims were not heard, and his affirmative defenses were not allowed, (though Judge Shiffman again failed or refused to note this preclusion in the record) Judge Shiffman granted possession to Northbrook, and ambiguously wrote in the record Hopkins affirmative defenses were "unproven". On January 7, 2002, Northbrook, by Almon Manson, verbally moved to dismiss Hopkins v Northbrook, 2001-L-0227 under section 2-619(a)(4) claiming resjudicata.[14]

f. Hopkins, faced with a 2-619(a)(4) dismissal with the actual merits of his Federal and state claims never having been heard, filed a notice of appeal in Northbrook v Hopkins, 2001-LM-2161, and delayed proceedings in Hopkins v Northbrook 2001-L-0227 so as to give the Illinois Appeals Court the opportunity to correct Judge Shiffman's "mistakes". Based on claims of Northbrook on Appeal, the Appeals Court believed however that dismissal under 2-619(a)(3) was just discretionary[15], and found it would be unjust to vacate the judgment for these pretrial errors shown in the pleadings after there had been a trial in the absence of a transcript or a bystanders report. Since Hopkins had failed to supply either, the Illinois Appeals Court chose to presume Judge Shiffman was correct, and that since there had been a trial, Hopkins prior action was subject to dismissal for Resjudicata.

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[14] Council points out that had Manson properly filed this motion in paper format, Hopkins would have been able to file a Motion to Vacate before Judge Shiffman under 42-U.S.C.-1983, and thus could then have raised his federal claims without violation of federal rules and the Court of Appeals would have seen the Federal v State law conflict in the record.

[15] *It was not in this case* "**a matter of discretion**". State actions that interfere with the enforcement of applicable federal law are preempted under the Supremacy Clause. Under Federal law, 2-619(a)(3) was also extended by 42-U.S.C.-1988 to incorporate the protections of 42-U.S.C.-1983 and thus estopple any State action brought that could impair a prior filed federal claim, see Silkwood and WILSON v. GARCIA, 471 U.S. 261 (1985).

Hopkins was stunned by this decision, which had completely disregarded Hopkins impairments, (and the federal civil rights action and issues based on those impairments,) and appealed to the Illinois Supreme Court, which did not find it of interest, and to the U.S. Supreme Court, which denied review from lack of a federal question[16] under 28 U.S.C. 1257(3) (in re Dasher.) (S.R.A.C00299)

g. On August 28, 2003, while Northbrook v Hopkins was before the U.S. Supreme Court, Judge Cadigan dismissed Hopkins v Northbrook on grounds of "resjudicata under section 2-619(a)(4)", ordering service only on the attorneys. Hopkins, being pro-se, was not served notice due to either error or intentional mischief, and did not discover the cause had been dismissed until November 17, 2003.

Outraged by this seemingly callous disregard by the State Courts of Illinois for Hopkins federal rights as a disabled person, as Hopkins believed the Appeals Court had taken Judicial notice, Hopkins brought suit in the District Court[17] on December 8, 2003 under his federal claims against Northbrook et all, Brandon Potts as a coconspirator, the Sangamon County Sheriff's Department, and the State of Illinois for violation of the ADA and 42-U.S.C.-1983. *The merits of that action*, pro or con, are not within the purview of this Court to consider. It suffices to say here that for specific reasons that may or may not have been valid, the action was dismissed*.

*{The District Court stated its belief that Hopkins could not maintain an action in the District Court under Rooker-Feldman under 42-U.S.C.-1983 as it would require "overruling" the two state Courts judgments, and that an ADA claim cannot be brought against the States under the 11th Amendment, and that Hopkins claims against Northbrook were precluded as a matter of comity under Resjudicata because that Civil Action which raised Hopkins Federal issues had been dismissed, and *however improper the State Court judgments were as to the impact of Federal issues in this case*, the District Court advised that

[16] The Federal question must be raised in the complaint or post trial motion for relief, not by answer, motion, or counterclaim.

[17] Any questions about that case under 42-U.S.C.-1983 however are reserved here for U.S. Supreme Court Review.

Hopkins only recourse was under 2-1401 and 1983 in the State Courts. The Court made it very clear that Hopkins trying to prosecute his valid Federal claims in the District Court was frivolous as the proper venue for correction of the States mistakes was in the State Courts who had the right to correct this denial of due process.}

The records of this Appeal shows Hopkins did file his joint petitions timely within 30 days of the final judgment of the District Court in the State Courts, as required by Federal law, see in re: JINKS V. RICHLAND COUNTY 349 S. C. 298, 563 S. E. 2d 104, and pointing out in his Petitions for Relief and associated documentation that as a disabled person, Hopkins had been denied accommodations for his impairments by the State of Illinois which was a denial of due process which left him vulnerable to a conspiracy to violate Civil rights, in re Issue I of this Appeal. Hopkins pointed out in his joint petitions that it is a 1st amendment violation when a party uses their 1st amendment rights to deny another party from access to their 1st amendment rights, citing Nebbia v New York, and made it very clear that actions taken under state law to invalidate, supercede or violate federal laws and civil rights are illegal acts in violation of 42-U.S.C.-1983, even if they are otherwise valid actions of state law, and if there is a resulting denial of another party of access to the Courts, it is a corruption of the judicial process entitling Hopkins to 1st Amendment grounds for relief, in re California Motor Transport. (S.R.A.C00476-478)

It was further pointed out that Northbrook's claiming "a superior right" of action under state law was a fraud upon the Court of Judge Shiffman in that this separate action was in fact prohibited by the Supremacy Clause, in re Silkwood v Kerr McGee, and that Northbrook, having intentionally omitted all references to Hopkins State and Federal claims were precluded from raising a claim of Resjudicata under the 1st Amendment and the Supremacy Clause, in re Caterpillar v Williams. (S.R.A.C00476)

It was pointed out that the States failure or refusal to serve notice of the dismissal was a denial of due process and denial of reasonable accommodations, which in light of Tennessee v Lane required the State Courts to reconsider the issues in this case, in re Issue I and II of this appeal. Hopkins petitions further pointed out that Hopkins civil rights violations were accomplished because the law itself was an unconstitutional intrusion into commerce for the benefit of special interests, and demanded the law be declared unconstitutional. (S.R.A.C00476-478)

Judge Hall did not address the issue, while Judge Cadigan stated it was mooted by Resjudicata. Hopkins appeal thus raises the issues as to Hopkins being denied access to the Courts on his claims of lack of Constitutionality, in re Issue III. As thus can be noted from Hopkins joint Petitions, and the Issues raised in this Appeal, Hopkins claims his prior filed Federal and State law Civil Action was dismissed without there ever having been a hearing on the merits of the issues because of a preemptive state law action which excluded these issues for lack of being germane, in a course of proceedings under State law where Hopkins could not raise his federal claims, the judgment of which then becoming a resjudicata bar under State law to a federal cause of action without those federal claims being adjudicated-It is irrefutable that there has been a complete denial of due process of Federal law by the State in violation of the Supremacy Clause by misrepresentation of a private party in violation of 42-U.S.C.-1983.

Hopkins case therefore is a prime example of Gideon v Wainright 372 U.S. 335 (1963) of a disabled person with brain damage having been taken unfair advantage of in state court civil proceedings by unscrupulous attorneys in the ADA context, raising clear questions of Due process and misfeasance upon the State Court that has denied Hopkins a fair hearing on

all of his claims as a disabled person in conflict with California Motor Transport and Tennessee v Lane. It was for this reason Hopkins subpoenaed Judge Shiffman under the 1st Amendment and 42-U.S.C.-1983. It cannot be said that Hopkins has not tried his best to prevent this vicious abuse of the State Judicial machinery as Hopkins has diligently prosecuted his action pro-se from the filing of the complaint Hopkins v Northbrook, 2001-L-0227 so as to enforce violated State and Federal rights, to attempting to defend his interests in a preemptory State Court proceeding lacking adequate due process safeguards as Hopkins was prohibited from raising any more than the fact of the prior extant cause, (as issues of Federal law cannot be raised by motion to dismiss answer or counterclaim in state court proceedings), and filing of the petitions for Relief, handling the difficult nature of this corrupted state and federal issue process as well as could reasonably be expected of a pro-se layman mentally impaired with brain damage.

It is a matter of record Hopkins did not ask for Council, though he desperately needed one, because Illinois does not provide council for the protection of the interests of the disabled in the Civil Courts *as a matter of policy*, it would have been just an exercise of utter futility, and disabled people are not required to engage in actions of futility in order to protect their rights. It is also a matter of record, noting the Subpoena to Judge Shiffman, and the Petition of Certiorari[18] included in the record of Hopkins v Northbrook, that in the course of these proceedings Hopkins was denied by the State Court access to requested Court reporting services, and was also denied the right to recuse a Judge he knew would be unfair, and was thereafter required to be tried as a memory impaired brain damaged

[18] this claim was raised before it was ever identified as an issue basis for action under the ADA.

individual without benefit of council, in a proceeding in which the presiding Court refused to keep or allow adequate records.

Hopkins appeal was rendered meaningless without a neutral record to prove misrepresentation-induced error[19].

Hopkins did not manage to obtain the benefit of legal council until the time had come for hearings of his petitions. It is therefore a matter of fair due process to consider this cause as having been brought and pleaded before the Courts pro-se, with Council assisting in this Appeal to properly present these issues to the Court. Council invokes this Courts supervisory power due to the nature of the issues as to the fraud upon the Courts and Federal conspiracy violations. (R.A.C00185-192)

-Summary of Petition hearing Judgments-

With all due respect to this Court, The Courts of the Honorable Judge Hall and Judge Cadigan, in their reviews of the Pro-Se Petitions merits, did not dispute that Hopkins was a qualified individual under the ADA, but have denied the petitions based on errors in their interpretation and application of the Federal laws in question, and as to key facts, such as Judge Hall finding the cause for relief being "moot" as "Hopkins did not want possession"- which completely overlooked Hopkins petition which showed Hopkins did not even have a mobile home to return to since his home had been destroyed by Northbrook, and no money to replace it. (R.A. C000320-321).

Judge Cadigan made no written order other than his order of Sanctions, and this was done by proxy. In the brief proceeding, His Honor Judge Cadigan stated there had been no denial of due process in the failure to serve notice by the State as it was Hopkins obligation to check his case for

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[19] Hopkins could not raise his federal claims by motion, answer, or counterclaim, **and issues not raised in trial courts are not available for review on appeal**.

judgments. Judge Cadigan commented that he could not accept Hopkins Federal law claims as these claims were barred by "resjudicata", and sanctioned Hopkins from "unnecessary legal action against Northbrook", and giving orders to that effect, whereas under Alden v Maine, Judge Cadigan was required to act just as the District Courts would. (This Court should note District Court Judge Scott did not consider the Forcible Entry action judgment to be resjudicata to the other state and federal law claims under the well pleaded complaint rule, but did consider Judge Cadigan's dismissal to be resjudicata, in re *Caterpillar Inc.* v. *Williams,* see C000188-215, and suggested it was appropriate to file a petition for relief to resolve the question in the state courts.) Both Courts were also in substantive error of law as to the meaning and application of the Americans with Disabilities Act to this cause, with Judge Hall essentially finding that the ADA under Title II, in re Tennessee v Lane, only requires the State Courts to provide the same services the State Courts otherwise provides to everyone as a matter of right, (essentially finding no more of an obligation to meet the needs of the impaired than the State is already required to do under the 14th Amendment.) Judge Cadigan did not consider them. Hopkins disputes this State Court interpretation of applicable Federal law in a State Court as Federal law is clearly being rendered impotent, and is rendering the accommodation provisions of the ADA meaningless within the State, as it is not enough to just treat the Disabled equally, the Americans with Disabilities act requires preferential treatment so as to enable compensation for impairments.[20]

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[20] **This appeal of these two combined decisions thus clearly raises the Federal questions as to what is the proper interpretation and application of Titles II and III of the ADA, the Fair Housing Act, and of 42-U.S.C. 1983 in this case.**

OVERVIEW of the ADA Questions before this Court:

The Americans with Disabilities act was enacted by Congress under its power to regulate commerce, and in the National interest to regulate the States under the Supremacy Clause, and is designed "to provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities."

It forbids discrimination against persons with disabilities in three major areas of public life: employment, which is covered by Title I of the statute and not at issue here; public services, programs, and activities, which are the subject of Title II (and pertains to the States Judicial activities), and public accommodations, which are covered by Title III, (and pertains to Northbrook's operation of its facility.) The intent of Congress in re Title II of the Americans with Disabilities act, 42-U.S.C. Sec. 12131, was to require State Courts, (as covered entities,) to make fair and reasonable changes to rules, policy, procedures, and facilities; (these changes are defined as accommodations), so as to enable a qualified individual, (meaning one who is qualified within the intent and meaning of the ADA), with a qualifying impairment, (meaning an impairment of long term permanent nature) to compensate for that impairment and thus obtain a fair trial and meaningful appeal in State Courts. *The obvious implication is that it is not enough that State Courts treat the Disabled "equally" because equal treatment,* without accommodation for impairments, is still "*discrimination*" under the ADA. Northbrook, as a private business engaged in commerce providing public accommodations, was also required to make reasonable accommodations in park rules, policy and procedures for the impaired in the same way and manner under both the ADA and the Fair Housing Act.

The District Courts, who under Article III of the Constitution have original jurisdiction over federal law, must in their consideration of federal remedial statutes such as the ADA and Fair Housing Act, "construe such statutes broadly so as to effectuate their intended purpose", in re Arnold v. United Parcel Serv., Inc., 136 F.3d 854, 861 (1st Cir. 1998). State Courts must do so also, in re Alden v Maine.

B. (Argument of issue I)

The State Courts of Illinois are required to make such changes to rules, policies, and procedures that are "necessary" based on the following essential criteria: (1) The particular individual must show, or be able to show, that he or she is qualified for the protections of the act that will convey jurisdiction of the ADA over the State Courts in any given context, and; (2) That qualified individual must be able to demonstrate the nature of the "impairment" and show what kind of specific accommodation is required of the State to perform to compensate for this impairment, and; (3) The Courts must determine[21] whether this specific accommodation for this impairment would be a reasonable use of State resources, or would it be an undue financial hardship or administrative burden that is detrimental to the nature and intent of the state Judicial process, and (4) did the person requiring accommodation suffer a tortuous injury from being denied accommodation. (This would also apply to Northbrook's operation under Title III and the Fair Housing Act.) It should be further noted that in conjunction with this obligation to accommodate, that the purpose of 42-U.S.C.-1983 in such an ADA case would be to provide a judicial remedy for

[21] Jacques v. Clean-Up Group, Inc., 96 F.3d 506, 511 (1st Cir. 1996) (To actually determine the "appropriate" reasonable accommodation, "*it may be necessary for the covered entity to initiate an informal, interactive process with the qualified individuals with a disability in need of the accommodation.*" See 29 C.F.R. § 1630.2(o)(3))

the proactive enforcement against the State Courts arising from invaded Civil and constitutionally protected federal rights such as the ADA by private parties intentionally acting under color of state law to defeat them. Actions can be brought under that Federal statute in this case because State Courts cannot legitimately violate any Federal law, and violation of federal law even under a valid state law would still be a cause of action under 42-U.S.C.-1983, in re Lugar v Edmondson Oil Company Inc. 457.U.S. 922. and in re California Motor Transport, 404 U.S. 512-513 (1972).

These Federal laws apply to Illinois in this case in that (a) Hopkins could have and has shown that he is a qualified individual with qualifying impairments as defined by the ADA, and; (b) That Judge Shiffman knew of Hopkins impairments from prior transactions before him, and of the need to accommodate them[22], and; (c) that there was shown a conspiracy upon the part of a private business engaged in interstate and intrastate commerce to use a limited State law proceeding to circumvent other State and federal laws, and; (d) That the State of Illinois was able to reasonably provide the necessary accommodations for Hopkins specific impairments, and; (e) Hopkins has shown that the accommodations required to accommodate Hopkins impairments would not fundamentally alter the legitimate nature of the States judicial process itself, and; (f) Hopkins has shown that the requested accommodations were denied without a compelling reason to justify the denial, and; (g) this denial resulted in unnecessary harm and injury to Hopkins due to a clearly shown civil conspiracy under color of the defective State law identified as Forcible Entry and Detainer, which has successfully created a bar to Federal claims under State law without a

[22] Apathetic indifference to the needs of the impaired is a form of discrimination.

hearing on the Federal claims merits denying Hopkins Federal Due Process of law, and violated the Supremacy and Commerce Clauses.

Hopkins contention of Illinois therefore having liability for this misuse of a state action and failing to accommodate that was necessary to prevent harm from this misuse, is clearly supported by the fact that the ADA, in all of its Titles, is a remedial statute that requires affirmative action type preferences being made in accommodations to rules, policy, and procedures so as to enable a qualified disabled person to compensate for their impairments. See in this respect U.S. Airways v Barnett (which applies to Title I and the underlying principles to Title II and III):

"The act requires preferences in the form of reasonable accommodations that are needed for those with disabilities to obtain the same workplace opportunities that those without disabilities automatically enjoy. By definition any special accommodation requires the employer to treat an employee with a disability differently. I.e. preferentially."

Furthermore, it must be understood these "preferences" required must be made by covered entities for qualified individuals even though other citizens who are not disabled do not, and will not have equal access to that same benefit. See in this respect PGA Tour v Martin, (which applies to title III, i.e. Northbrook, and the underlying principles to Title I and II):

"..Golf courses, including play areas, are places of public accommodation during professional tournaments and that permitting Martin to use a cart (when others are not) would not 'fundamentally alter" the nature of these tournaments...Title III of the ADA by its plain terms, prohibits petitioner from denying Martin equal access to its tours on the basis of his disability."

Title II case law addresses this particular question of State Courts [23]being required to make reasonable and necessary accommodations in their rules, policy and procedures, see in this respect Tennessee v Lane:

"Title II does not require States to employ "any and all means" to make judicial services accessible to persons with disabilities, and it does not require States to compromise their essential eligibility criteria for public programs. It requires only "reasonable modifications" that would not fundamentally alter the nature of the service provided, and only when the individual seeking modification is otherwise "eligible" for the service...in no event is the entity required to undertake measures that would impose an undue financial or administrative burden, threaten historic preservation interests, or effect a fundamental alteration in the nature of the service..."

Hopkins claims that the essential question of this ADA issue is whether or not Hopkins qualifying impairments required a specific type of accommodation from Northbrook under Title III, and from the State Courts under Title II, and whether it was in this case a reasonable burden that the state Courts was required to provide under Title II of the ADA, and if it was, was there a violation of the ADA by the State not meeting that burden that has resulted in some kind of tortuous injury by Northbrook denying accommodations under Title III. See in this respect: Commissioner v. Schleier, 515 U.S. 323 (1995): "Recovery for compensatory damages under the ADA must be "based upon tort or tort type rights", and the damages must be received "on account of personal injuries..."

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[23] Although not specifically enumerated in Title II, like mobile home parks are not specifically enumerated in title III, State Courts fall within the classification of government agencies and must therefore make accommodations in re Tennessee v Lane, and Mobile Home parks fall within the classification of commerce providing public accommodations, see Heart of Atlanta Motel, Inc. v. United States, 379 U.S. 241 (1964) "Congress had power to enact appropriate legislation with regard to a place of public accommodation such as appellant's motel even if it is assumed to be of a purely "local" character, as Congress' power over interstate commerce extends to the regulation of local incidents thereof which might have a substantial and harmful effect upon that commerce."

The State Courts, from lack of prior consideration of these Federal disability law issues by the State Courts, do not understand this complex interaction of State Courts, state law, and the primacy of Federal Disability law in this type of transaction, and are basically interpreting the entire matter like it was a 14th Amendment issue. This issue of the ADA applying to the states activities in denying Hopkins a Court reporter, denial of recusal of a Judge, not serving proper notice, and not providing Council in this cause, could not "be raised in the first Appeal" due first to the fact that issues not raised in trial court cannot be heard on appeal, and second, it is public knowledge that States generally refused to recognize the ADA law even applied to them due to the 11th Amendment- which persisted until Tennessee v Lane on May 17, 2004. Hopkins was furthermore unable to raise his federal claims at all in that defective state law proceeding under Federal pleading rules, in re Holmes v Vornado, and Illinois does not require a Judge to recuse himself upon request of a defendant, which taken all together is a matter of Due process under terms of Federal law that must be resolved now therefore by study and analysis, as the Federal Courts would do, and applies to this case at bar as follows:

1. Would Accommodation be required of the State Courts under the ADA in the form of a Court reporter for a qualified individual with a qualifying impairment of brain damage induced memory-impairment in order for him to have a fair trial and meaningful appeal?

Argument: It is undisputed fact that Court Reporting services are available upon request for all Civil proceedings that is provided by the Court system for establishing an accurate neutral record of oral argument, testimony, and judicial findings for the purpose of preserving an accurate record for appeal, and that Appeals without such a record are seldom

successful. However, It is policy that unless a party to a civil action prepays for the service, it is strictly a matter of judicial discretion as to whether or not the Court reporting service will be available for any particular small claims civil action. All parties who are before the Court are automatically "eligible" for this service at the discretion of the Court, with the single restriction being one of ability to pay: if one can pay, they get the service, if one cannot pay, they may or may not get access to this service at the discretion of the Court. The U.S. Supreme Court has already pointed out this kind of State Court accommodation was per-se necessary in its references to Griffin v Illinois, *which did not involve any disabled person*, and Boddie v Connecticut in the Holding of Tennessee v Lane. Hopkins had requested this service, but was denied access to this service unless he could pay for it in advance. Northbrook capitalized on this denial of access to this service in the Appeal. Until this issue arose under the ADA, it was however never considered at any time a reviewable error on the part of the State Court to grant or deny access to Court reporting services, as it was not seen as essentially necessary for due process in civil proceedings, even though a similar policy once used in criminal proceedings was found to deny due process, in re Griffin v Illinois, (which found that denial of access to a court transcript was a denial of due process that Illinois could not justify on the basis of ability to pay).

This Court of Appeals mandated that because Hopkins could not produce a transcript, or a bystanders report that His appeal would be affirmed by presumption. Hopkins contends that it stands as reasonable cause and effect that denial of access to a court reporter automatically denies access to a transcript, and denial of access to a transcript is a per se denial of due process, which, as a matter of common sense would apply as much to

Civil proceedings involving the impaired as it does to Criminal proceedings- Disabled people should never be sacrificed on the altar of "Judicial expediency".

It is contended that providing of a Court reporter to a qualified individual with a qualifying memory impairment without requiring prepayment for the service so as to record the Judicial proceedings accurately would be a minimal burden that would not be in any way detrimental to the legitimate nature of state judicial proceedings, see Griffin v Illinois.

What the ADA would dynamically change however is the ability for anyone to misuse the power of the State Courts to harm the impaired[24], and would in the greater public interest, restrict the ability of unscrupulous attorneys to use the state civil courts of small claims as a weapon to violate the civil and constitutional rights of those who are disabled and are the least able among us to defend themselves by the simple expedient of establishing a clear neutral record-after all, Evil hates the light of Revelation. As it currently stands however, a qualified disabled individual with a qualifying memory impairment cannot obtain a meaningful appeal without having had access to a court reporter because he cannot ever be reasonably expected to produce a "bystanders report of proceedings" regardless of currant state law on the issue. (R.A.C00571-586)

The burden upon the State is minimal, but the benefit to the State in the long term is tremendous, as actions based on fraud and misuse will not, as they currently are, be encouraged to the damage of the public welfare.

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[24] Hopkins, though admitted enemies of Judge Shiffman, have no belief that Judge Shiffman was venially corrupt, and the investigation by the Judicial commission showed that the problem was a fraudulent use of a conflict of law, not judicial corruption per-se.

2. Would Accommodation be required of the State Courts under the ADA in the form of timely Notice of dismissal for a qualified individual with a qualifying impairment of brain damage induced memory-impairment in order for him to have a fair trial and meaningful appeal on the issue of fraud and the constitutionality of the law that injured him?

Argument: written notice of a judgment is already a prerequisite of Due Process, in re Gault. For a disabled pro-se litigant, it would have required minimal effort on the part of the State for the Court Clerks to serve written notice of the Courts judgment within time for Hopkins to file a notice of Appeal at the last address disclosed in the file. While the Court directly ordered notice was to be served on attorney of record, Hopkins was pro-se and was known by the Court to be not represented by Council, and thus by either mistake in being sent to the wrong address, or mischief of not having been sent at all, Hopkins was not served notice. Hopkins was deprived Access to the State Courts of Appeal, and of his right to heard on appeal by failure or refusal of the state to serve notice, and was then essentially punished by the State Court by this Denial of accommodations in conflict with the 8th Amendment in the denial of his Petition for Relief, and given Sanctions for having Petitioned for relief from fraud upon the Court.

3. Would Accommodation be required of the State Courts under the ADA in the form of Benefit of Council for a qualified individual with a qualifying impairment of brain damage induced memory-impairment in order for him to have a fair trial and meaningful appeal?

Argument: With respect to this Court, it has long been recognized by the U.S. Supreme Court that any person with brain damage or mental impairments would be at a serious disadvantage in any Court proceeding.

see in re Powell v Alabama, and Gideon v Wainright. It is claimed that providing of council to a mentally impaired disabled person in a civil proceeding is not something that is "detrimental" or would fundamentally alter the nature of the state's legitimate judicial process. Providing of council to the indigent (and disabled) is already part of national policy that the States comply with in criminal proceedings, see Powell v Alabama and Gideon v Wainright. In Civil proceedings the state Courts already supply interpreters for the Deaf, so what the ADA would only require is that the State of Illinois adapt its rules and judicial policy to incorporate the mandatory appointment of Council to represent any "qualified" mentally impaired person as a matter of due process in all civil proceedings-a proactive protection.

The U.S. Supreme Court has already pointed out this kind of accommodation was per-se necessary in its references to Gideon v Wainright and Boddie v Connecticut in the Holding of Tennessee v Lane. It is contended to be a minimum burden for the State to be required to appoint protective Council under the ADA since it is perfectly obvious to any reasonable person that a brain damaged person with a memory deficit disorder cannot ever properly defend his interests in any adversarial judicial proceeding without the protective benefit of council. This required policy change of accommodating the disabled by providing Court reporting services, providing proper notice, and providing Council for qualified individuals, clearly would not create an undue financial or administrative burden on the State Courts since it only requires the State to be providing these services to certain qualified individuals protected by the ADA, not just everyone who cannot afford the service, which is further justified in that it will at the same time be safeguarding the publics interest in fair and impartial judicial proceedings.

As a protected individual, Hopkins is entitled to relief from Judgment and an action for compensation against the State and Northbrook for violation of his federal rights as a disabled individual.

(Argument of issue II)

Judge Cadigan was in error in finding that Hopkins, as a mentally impaired disabled person acting pro-se, was not entitled to bring a Petition for Relief from the violation of his Federal and state rights by the State Courts due to fraud and misrepresentation of Northbrook when Hopkins had shown that Judge Shiffman, Judge Cadigan, and the Honorable Judges of the 4th District Court of Appeals have made serious errors of interpretation and application of Federal law concerning both the Supremacy and Commerce clauses in this action as a clear consequence of Northbrook's misfeasance, concealments and misrepresentations, affecting the validity of these State Court Judgments as follows:

1. Northbrook Council "misrepresented" to Judge Shiffman that their State action under Forcible Entry and Detainer could not be estoppled by Hopkins action under 2-619(a)(3) as a matter of Illinois State supreme court policy, that such actions are to proceed independently of all claims. (R.A. C00161, Index Lines 19-29).

2. Northbrook Council "misrepresented' to Judge Cadigan that the issue of the validity of the lease was already litigated in favor of Northbrook. (R.A. C00168, Index Lines 22-26).

3. Northbrook "misrepresented" to Judge Cadigan that the Courts had already addressed the underlying issues and this issue of federal law was a frivolous attempt to relitigate an issue already decided. (R.A. C00175, Index Lines 18-28).

4. Northbrook "misrepresented" to the Court of Appeals that since Hopkins had not attached a complete copy of his complaint, the issue was

not properly before the Trial Court and could not be taken for Judicial notice in the appeal. (Appendix B, page 57, Northbrook Appellees Brief, page 13.)

5. Northbrook "misrepresented" to Judge Cadigan that Hopkins could and should have raised his ADA issues in that prior cause, and since he had not, had forfeited the right to be heard on them. (R.A. C00181, Index lines 9-14) (S.R.A. C00131).

These above claims of Northbrook were misrepresentations of Federal and State law that has corrupted the Judicial process in Illinois so as to Estopple State and Federal law that has denied Hopkins due process of law.

Hopkins Civil action, a complaint in the State Court raising combined issues of Federal and State law involving these commerce transactions, was filed July 16, 2001, amended August 16, 2001, and clearly preempted any time thereafter Northbrook's "state" right to file and bring a separate action under the Forcible Entry and Detainer Act under section 2-619(A)(3) of Illinois law as a matter of 42-USC-1983, (in re Silkwood v. Kerr McGee.) Judge Shiffman, based on Northbrook's state law argument for allowing the action to proceed unimpeded, was clearly misled into allowing the constructive enforcement of an illegal lease for the exploitation of a disabled person in violation of Federal law protecting the Disabled under the States Forcible Entry and Detainer Act in violation of 42-U.S.C. 1983.

Hopkins was within his Federal rights to subpoena Judge Shiffman for his part in the Conspiracy, in re Lugar v Edmondson Oil Company Inc, 457.U.S. 922. It could and should be noted that in the Forcible Entry proceeding, because Northbrook did not raise the Federal issues, Hopkins could not raise his federal claims as a defense to the action by Motion to Dismiss, answer, or Counterclaim, He was therefore not allowed to be heard on these issues. The question therefore as to the "validity of the lease" under

both State and Federal law was never made by any Court. There was no lease to the premises because of the violation of the legal requirement to offer a valid lease. The legal validity of this lease is contrary to the manifest weight of evidence against such a conclusion based on the applicable regulatory statute, the Mobile Home Park Landlord and Tenants Rights act, not the Forcible Entry and Detainer act. Under Forcible Entry it is not even required to be valid, in re Fisher. When Northbrook v Hopkins 2001-LM-2161 was first before the Court of Appeals, Northbrook council "claimed" Hopkins issues of the prior cause were never "properly" raised as Judicial Notice as he had failed to file a complete copy of the complaint, (which Hopkins could not do under the rules of federal law as this would have then raised these federal issues as part of a motion, answer or counterclaim) and thus Northbrook argued the prior cause referenced by Judicial Notice could not be reviewed by this Appeals Court to determine if Judge Shiffman was in error to not dismiss under 2-619(a)(3).

This was a deception, where the intent was clearly that of directing the Court of appeals attention away from the fact that Hopkins was prohibited by Federal rules from raising these federal issues by Motion, answer or counterclaim, which meant only the means of Judicial notice, in re Osborn v. Ohio, 495 U. S. 103, 122-125;

(Osborne applied the general principle that "a timely effort to bring a federal issue to the attention of the trial court, enabling it to take appropriate action, satisfies legitimate state interests, and therefore suffices to preserve the claim for Appellate review and federal review jurisdiction by the U.S. Supreme Court.")

Northbrook Council has misled the Appeals Court into a direct violation of the Supremacy Clause by not taking judicial notice, and then the Appeals Court opinion was used by Northbrook to catastrophically influence

Judge Cadigan, who in dismissing the action based on this Appellate theory of State Court resjudicata, violated 42-U.S.C.-1983. This has irrefutably denied Hopkins Due process on his federal claims, and was due entirely to the misrepresentation and omission of the issues by Northbrook, creating without possibility of dispute a Supremacy Clause violation from establishing Resjudicata under a state law action to a prior filed federal claim in the State Court, on August 28, 2003[25].

Had Hopkins been properly served notice of this dismissal, Hopkins Could have filed a Motion to vacate and then appealed, the Judgment would have been reversed for the same grounds that are presented here. Hopkins believes that he is not asking *too much of the State Judicial system* to police it's deliberate misuse and intentional corruption by unscrupulous attorneys, as the issue of fraud upon the State Courts to violate Federal law is a very serious matter that the Illinois Appeals Court has a constitutional obligation to investigate. While it is obviously not "misrepresentation" to present real facts and a theory of law without an intent to defeat another applicable law's intent and purpose, it is unquestionably a false and misleading misrepresentation to claim an interpretation of State law with intent to invalidate applicable Federal law. To make claims of Resjudicata based on the intentional use of a special limited State forum where that disabled person cannot even raise the Federal issues for lack of subject matter jurisdiction, (even for a supposedly valid State Law purpose) that results in a denial of a hearing on the merits of that disabled persons prior filed valid claims under State and federal law, is intentionally corrupting of the State Judicial process in violation of 42-U.S.C.-1983-It is called misfeasance,

[25] The Statute of limitations on actions under 42-U.S.C.-1983 is three years from the date of last predicate offense, see WILSON v. GARCIA, 471 U.S. 261 (1985)

which is related to Fraud, and is grounds for relief in re California Motor Transport and subpoena of any Court officials involved. When a party raises before the Court on Petition for relief the issue of fraud upon the Court by such misfeasance, misrepresentation and fraudulent omission, the Illinois Appeals Court has the obligation to investigate -even if at first appraisal it does not seem to the Court to have been a deception "since the Parties before the Court had raised the issues." Why?

Because the very nature of a "legal deception" is based on intentional misdirection and misrepresentation by attorneys so as to mislead the Court itself, therefore it stands to reason that the Courts, as the targets for the deception, do not necessarily know, or can even see they are being misled.[26] Such a practice is not consistent with the principles of the 1st amendment and the Due process clause of the 14th Amendment and cannot be justified, requiring this conduct to be stopped lest it destroy the public's trust in government. Severe penalties and compensatory damages could and should also be attached and imposed on any Council who deliberately exploits a disabled adversary by engaging in a "legal deception" that succeeds in harming an impaired person who is not represented by council- the profit must be taken out of such intentional misrepresentation that corrupts the State Judicial process, at the very least, by adhering to the principle in re California Motor Transport, and allowing a party injured by such a misrepresentation to seek relief under 2-1401, just like the District Courts do in re Rule 60. Both statutes are similar in form and identical in

[26] It is becoming an increasingly common practice of Illinois attorneys to abuse their position of trust with the court and intentionally misrepresent facts, law and testimony not because the claims have merit, but to do so on the off chance the Court will buy the argument and thus "win" the case. This concept of win at all costs is based on a lack of ethics, where there is no absolute wrong or right, only power to manipulate, which is corrupting the Courts.

purpose, so the principle of Corruption of Judicial process laid down in California Motor transport could and should apply in this cause as follows:

(A.) The Supremacy Clause impacts on this "traditional" state court proceeding under the federal well-pleaded-complaint rule, which has long governed whether a case "arises under" federal law. See Phillips Petroleum Co. v. Texaco Inc., 415 U.S. 125, 127—128 (1974). As any law student knows, and both Hopkins and Northbrook Council knew, in our bifurcated Federal and State Judicial systems, the applicable Federal rule on any issue is supreme as a matter of constitutional agreement, and that as a matter of Federal practice rules, (a) Issues of Federal law can be raised in State Courts, and when they are raised in a State Court, must be determined as the federal Courts do, (ALDEN V. MAINE, 527 U.S. 706 (1999). (b) Issues of federal law must be raised by complaint, (Caterpillar Inc. v. Williams, 482 U.S. 386, 392 (1987). (c) Issues of federal law cannot be raised by Motion to dismiss, answer or counterclaim, (Holmes v Vornado, 534 U.S. 1016 (2001). (d) State laws that invalidate or supercede applicable federal laws are preempted, (Silkwood v Kerr-McGee Corp. 464 U.S. 238(1984). (e) Actions taken by a private party under color of state law intended to invalidate the enforcement of applicable federal law is a violation of 42-U.S.C.-1983, (Lugar v Edmondson Oil Company Inc, 457.U.S. 922). (f) Judgments obtained by private parties in state courts under color of state law that deny another party access to the Courts on federal claims are "corrupted" under the Supremacy Clause and subject to vacating under the 1st Amendment, (California Motor Transport, 404 U.S. 512-513 (1972).)

The above Federal law elements should be considered in this action based on the facts of the combined records that show Hopkins prior filed

Federal and State law claim was followed four months later by Northbrook's state law action, clearly showing that Northbrook's was retaliatory. "Inference of Retaliation for "a `Discriminatory purpose' . . . implies more than intent as volition or intent as awareness of consequences. It implies that the decision maker . . . selected.. . a particular course of action at least in part `because of,' not merely` in spite of,' its adverse effects upon an identifiable group." Personnel Administrator of Massachusetts v. Feeney, 442 U.S. 256, 279 (1979). When Northbrook brought this separate action based on their state law claims after Hopkins case was filed, it was known by both parties that Hopkins could not raise his federal claims as a defense to the state law action, which by Northbrook taking such action, and deliberately omitting any reference to the federal issues, automatically violated Hopkins 1st Amendment right to be heard on these issues in re Nebbia v New York in that Forcible Entry and Detainer proceeding, in violation of 42-U.S.C.-1983, and then again when Judge Cadigan dismissed the action on grounds of State Court resjudicata-Due process requires that Hopkins federal claims be adjudicated in a forum with subject matter jurisdiction under the First Amendment, see Johnson v Avery and Powell v Alabama. (S.R.A. C00475-4/6) Northbrook however claims "resjudicata" to Hopkins Federal Claims from their state law action when the complaint in that action clearly did not plead federal law in that controversy-if it had, Hopkins could and would have removed the Action to the District Court to get it out of Judge Shiffman's Court where Hopkins knew he had no chance for a fair trial, while Hopkins had strictly followed Federal rules and did not raise any federal claim in that proceeding except by Judicial Notice.

There was no way the Federal issues were "raised and adjudicated" as has been claimed by Northbrook, and also denied by Northbrook, depending

on what Court they were in. This has made Northbrook's claims *in all three Courts* a total fraud upon the Courts that has denied Hopkins due process, as Federal issues exist in an action "only when a federal question is presented on the face of the *plaintiff's* properly pleaded complaint." *Caterpillar Inc.* v. *Williams,* 482 U.S. 386, 392 (1987). Hopkins action is the only one in which a federal claim was stated. Judge Cadigan, for reasons unexplained did not find it was a denial of Due process in being denied a hearing on these federal claims by the State Court small claims Judgment, Northbrook stating by his proxy that the petition was strictly frivolous harassment, and was thus in error in denying relief from this fraud upon the State Courts, see ALDEN V. MAINE, 527 U.S. 706 (1999) ("A State's constitutional privilege to assert its sovereign immunity in its own courts does not confer upon the State a concomitant right to disregard the Constitution or valid federal law.") State Sovereignty does not create immunity for State Court judgments that violate federal rights and laws under 42-U.S.C.-1983, in re Ex Parte Young.

Hopkins had pointed this out to Judge Cadigan in his pleadings, but while Hopkins knew Northbrook's claims was a misrepresentation of federal laws, and *had stated such in the pleadings*, it is not Hopkins fault that the Court ignored Hopkins claims, which was "negligent indifference" to a disabled pro-se litigant that has denied him due process in re Powell v Alabama,[27] See Murphy v King, 284 Ill. App. 74:

"We do not believe ...that to be guilty of willful and wanton negligence as defined in the law, one must necessarily be in the state of mind of a person who has a feeling of ill will against the injured party and who intends to commit the injury complained of. A conscious indifference to

[27] "If in any case, a state or federal court were arbitrarily to refuse to hear a party...it reasonably may not be doubted that such a refusal is a denial of a hearing, and therefore of due process in a constitutional sense."

consequences which shown by an intentional disregard of a known duty necessary to the safety of the person or property of another would come within the definition of willful or wanton negligence."

Such frauds upon the Courts succeed all too often in Illinois lately because unlike the usual victim of a fraud, the Court only loses its dignity and forfeits public respect, while it is the other party like Hopkins who bears the real burden. Make no mistake, This cause was the outright exploitation of a disabled person in judicial proceedings where the Courts had a duty to ensure fairness, and if the Court will note 42-U.S.C. 1986, society on the whole is damaged in such cases, which makes the failure of the State Courts to exercise proper vigilance "almost a dereliction of duty".

As to Judge Cadigan believing that Federal claims can be disposed of by judgments of state small claims Courts without subject matter jurisdiction brought for purposes of estopple and retaliation, or that State Court Judges can allow the unrestricted use of State laws by private businesses to violate federal laws and that these State Court Judgments from such actions are "immune" to subsequent actions under 42-U.S.C.-1983 in the State Court, it should be noted that the idea overlooks that the Supremacy clause interdicts Federal Civil rights Claims from being denied a hearing based on any state law action being claimed as resjudicata by forbidding any form of state Judicial conduct (or misconduct) that could or would otherwise supercede and invalidate Federal law in violation of 42-U.S.C.-1983, see Free v Bland, 369 U.S. 663. Such judgments obtained in this fashion are clearly violations of Title II in any case involving the Disabled who is denied access, see Tennessee v Lane. "*As it applies to the class of cases implicating the fundamental right of access to the courts, Title II constitutes a valid exercise of Congress 'authority under § 5 of the Fourteenth Amendment to enforce that Amendment 's substantive guarantees*"

As pointed out in Silkwood v Kerr-McGee Corp. 464 U.S. 238 (1984) Federal law under the supremacy clause automatically preempts State law whenever the enforcement of state law would otherwise invalidate supercede or violate federal law. This would include improperly obtained State Court judgments arising from actions taken under color of law that violate Federal rights since the basic purpose of a 42-U.S.C.-1983 action "is to compensate persons for injuries caused by the deprivation of one or more federal or constitutional rights". See Carey v Piphus, 435 U.S. 247. It is only necessary to show the state court action was invalid as a matter of federal law, or show grounds the action had invalidated, superceded, or violated applicable federal law. See in re; Lugar v Edmondson Oil Co., Inc, 457 U.S. 922 (1982). A fraud upon the State Courts to obtain this aid of state Court officials under color of State law does not relieve the State of liability. Judge Cadigan was thus in error to dismiss the federal civil rights action in the State Court under color of 2-619(a)(4) of the Code of Civil Procedures as this Judgment violates the 1st amendment, 42-U.S.C.-1983, 1986, and frustrates the intent and purpose of Federal disability law, see California Motor Transport, 404 U.S. 512-513 (1972).

B. Judge Cadigan improperly justified this failure or refusal of the State to serve notice timely on the singular rational that it was a matter of Illinois Supreme Court policy that has shifted the burden from the State to serve notice, to where Hopkins had an obligation to check his case for judgments just like all attorneys are required to do under Illinois law, in re Mitchell v Fiat Allis, 158 Ill. 2d 143, 632 N.E.2d 1010, 198 Ill. Dec. 399.

Whatever Illinois chooses to do to its attorneys is of no bearing or consequence to this issue of Due process as Hopkins is not an attorney, was not represented by Council at the time, and this failure to serve him notice

was a failure to accommodate a disabled person that has denied him access to the Courts of Appeal. See in support of this claim Santiago v Wood, 904 F2d 673 (11th Circuit 1990),[28] Judge Cadigan could not justify the denial of the petition as a matter of due process because the State Supreme Court cannot allow its circuit clerks to refuse or fail to serve written notice of judgments without providing a post deprivation remedy for a disabled pro-se litigant, as this is a violation of the "well-established duty of the trial court to ensure that the claims of a pro se litigant are given a fair and meaningful consideration." Palmer v. City of Decatur, 814 F.2d 426, 428-29 (7th Cir. 1987). The fallacy behind Judge Cadigan's logic is that States simply cannot choose to shift the burden to serve fair and adequate notice under color of regulating attorneys and so null the Due process requirement to serve notice, and cannot delegate to their agency subdivisions the power to violate constitutional rights to due process, as states cannot delegate power the States do not have under the supremacy clause, see Associated Industries of Missouri v Lohman, 114 S. Ct. 1815, 128 L. Ed. 2d 639 (1994).

It is pointed out that the Supreme Court of Illinois, while it has a great deal of legitimate say about the validity and applicability of its rules governing the State Courts, that Court has no power itself to determine just what the definition of Due Process is, that is strictly the purview of the U.S. Supreme Court. The U.S. Supreme Court has already clearly defined that Due process requires written notice be served within a reasonable time to respond. See In Re Gault, 387 U.S. 1, (1967). The Supreme Court of Illinois furthermore does not have the power to deny a post deprivation remedy from denials of Due process, also as a matter of United States

[28] Where the Federal Appeals Court considered the Plaintiffs diligence in filing a post judgment motion in the reversing of the denial of a rule 60 Relief motion because the receipt of the

Supreme Court policy, see Hudson v Palmer, 468 U.S. 517 (1984) (States must provide post deprivation of rights relief as a matter of due process.)

Hopkins, as a disabled indigent at the time acting pro-se, was clearly denied due process by this failure or refusal to serve proper written notice of the judgment within time to appeal by the State as defined by the U.S. Supreme Court, and was thereafter denied access to the Courts of Appeal, and having properly raised his claims on Petition for Relief, he was entitled to relief from this failure to accommodate that has denied him due process under the Code of Civil Procedures section 2-1401, and 42-U.S.C. 1983 and the ADA.

(Argument of issue III)

Hopkins, a disabled person with 1st Amendment standing under the Constitution, has not been allowed at any time to obtain a hearing on the issue of the Forcible Entry and Detainer act violating the commerce clause because Judge Cadigan believed this right to challenge that statute was mooted by resjudicata, and the District Court refused to hear it because it might interfere with two judgments obtained under that statute. The Forcible Entry and Detainer act, while appearing to be disability neutral on its face, does not however survive close scrutiny in either form or function under the commerce clause and the ADA. On it's face it admittedly excludes joinder with any other action, and cannot be estoppeled, thus it is in per-se conflict with federal laws protecting the disabled in Mobile Home parks[29] as it constitutes an unnecessary intrusion by the State into interstate and intrastate commerce transactions of Mobile Home park operators and disabled Mobile Home owners for the unlawful benefit of the Mobile Home Park operators.

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judgment order was delayed in the mail.

States cannot enact laws that favor businesses over consumers, see West Lynn Creamery v Healy, 512 U.S. 186 (1994).

It is pointed out that in Illinois, the Mobile Home Park Landlord and Tenants Rights Act is a regulatory act of State law for regulating Mobile Home Interstate and intrastate commerce, in re People v Hedrich, a State and Federal regulated form of intrastate and interstate commerce activity that is protected from arbitrary State intrusion under the commerce clause as: (1) Mobile homes are manufactured in several, if not all states, then transported to points of sale in other states by transporters licensed by the ICC. (2) They are classified as a Motor vehicle and use Titles just like cars and Trucks. (3) The purchasers of these homes have them transported about the state, and often into other states, where as the "end users" are restricted (in Illinois) to mobile home parks. (4) These parks are private owned businesses that lease long term lots of land equipped to supply the goods and service needs of the mobile home owner-clearly this is a transaction of intrastate and interstate commerce. Because it is low-income housing, a proportionally large number of these mobile homes are owned and used by disabled people on fixed incomes which bring Federal laws into play. The States, including Illinois, found it necessary to impose regulations to protect these mobile home owners who may otherwise be subject to exploitation, extortion, coercion, and fraud by unscrupulous park operators acting as common law landlords, See People Ex Rel Fahner v. Hedrich. 108 Ill. App.3d 83. (S.R.A. C00479). The Mobile Home Park Landlord and Tenants Rights Act therefore held sufficient public welfare interest to justify the state's intrusion upon the commerce activity of Mobile Home Park Operators and justify the

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[29] In re Silkwood v Kerr McGee.

statutory derogation of Park operator's common law interests as landlords for the protection of consumers who are required by State law to use their services. See Soldol v Cook County. Laws such as Forcible Entry and Detainer, which due to a due process defect does not require in any mobile Home park ca the lease to be valid in order to bring an action, would be clearly contrary to proper enforcement of the park act as found by the U.S. Supreme Court-in fact it completely invalidates the protective aspects of both State and federal law, in re Tumey v Ohio. This is clearly therefore a Commerce clause Issue preventing unnecessary State intrusion by Forcible Entry and Detainer, where Congress alone has the power to regulate commerce, and States must have a compelling public safety issue to intrude into commerce, see BIBB, v. NAVAJO FREIGHT LINES, 359 U.S. 520 (1959), Thomas v Collins 323 U.S. 516, 65 S. Ct 315, L. ed. 430 (1944) and See NRLB v Jones& Laughlin Steel Corp, 301 U.S. 1 (1937)*"It is the effect upon commerce, not the source of injury, which is the criterion..."*

It is indisputable that The Americans with Disabilities Act and the Fair Housing Act are Federal laws that apply to Mobile Home Parks as objects of Commerce that Congress had the power to regulate, which affects this cause as these acts exist to protect the disabled, making the central issue of this cause of action a matter under both State and Federal law regulating commerce transactions for the protection of the disabled. In re Sherwood Manor v Elliot. As a disabled American citizen, Hopkins was entitled to adequate housing, see 42-U.S.C.3604 (F)(1)(A), and to meet this need, owned a mobile home. To use this mobile home as a residence required access to goods and services provided by private businesses engaged in interstate and intrastate commerce providing public accommodations in the form of a parcel of land, called a lot, and this lot equipped with the necessary

utilities required for the use of Hopkins home as a residence. Hopkins was entitled to fair and reasonable accommodations to rules, policies, practices, and procedures of this Park operation, see 42-U.S.C. Section 12182(A) (ii), in re Sherwood Manor v Elliot, (The U.S. Appeals Court noted in Sherwood that the Fair Housing act applies to mobile home parks, and since the ADA did not enumerate Mobile Home parks in the list, it is necessary to establish that a park is an operation of commerce providing public accommodations in order to establish a cause of action and ordered the cause remanded for amendment). It should be noted that Damages for denial of accommodations that cause injury under Title III are Common law tort, and the Mobile Home park Landlord and Tenants Rights act article 21 can provide a statutory remedy, under 42-U.S.C.-1988, see WILSON v. GARCIA, 471 U.S. 261 (1985). Under 765-ILCS-745/1, et Seq, Illinois regulates the terms and conditions of the operations of these businesses providing public accommodations by derogating the Property owners rights as a landlord to meet the need to protect commerce, so that Mobile home owners cannot be subjected to extortion, coercion, and exploitation due to the fact that mobile homes are not very mobile, and thus rendering their owners vulnerable to unfair and deceptive business practices.

Therefore, the lease in all such transactions must conform in every particular to the regulatory statute or the entire instrument becomes invalid and as a matter of state law, a null, unenforceable in Court. As a disabled person, Hopkins was even more vulnerable to unfair practices, and thus Federal law under the ADA and Fair Housing act requires Park operators to stringently comply with the park regulatory act, and to make such necessary changes to enable a disabled person to enjoy peaceful enjoyment of accommodations. (S.R.A. C00481) Practices of exploitation, robbery, fraud,

extortion, coercion, and harassment are not exactly fair and reasonable accommodations to park rules and procedures as envisioned by Congress or in any Illinois Statute or case law.

The facts of these cases combined show that a park operator, engaged in commerce, by deliberate violation of the Park act, has been able to create and establish a cause of action under the Forcible Entry and Detainer act by refusing to accommodate, demanding a disabled person surrender their property, theft of property requiring police intervention to get it back, and simply by corrupting the terms and conditions of the lease so that it expires of its own limitations, which automatically creates conditions that the disabled mobile home owner thereafter has no defense against in a State Court, since (1) Violations of laws by a landlord are not considered at all germane to the question of the Landlords right to obtain possession under Forcible Entry and Detainer, see People v Evans, 163 Ill. App. 3d 561, 516 N.E.2d 817 (1st Dist 1987.) and (2) and clearly does not require a lease to be valid before it can be terminated by its own limitations, see Rosewood Corporation V. Fisher 263 N.E.2d 833, and (3) a disabled person cannot raise their federal claims as a defense to the action, in re Holmes v Voranado.

The law therefore must be held as an unnecessary intrusion by the State under the Commerce clause for the legal protection of the disabled mobile home owners who reside in these commercial operations, see in re Silkwood v Kerr-McGee Corp. 464 U.S. 238(1984). This action under 42-U.S.C. 1983 was proper as Suits can be brought against the States under 42-U.S.C. 1983 see Dennis v Higgins, 498 U.S. 439 (1991) and can be justified in this case see Tumey v Ohio, 273U.S. 510. (state proceedings deficient as to fair due process safeguards "violate due process " when a party has been deprived of well established statutory or common law state or federal rights

or protections, as a *protection against arbitrary and inaccurate adjudication). See on this issue of inadequacy,* Bank of Belleville v. Stidmire.

Conclusions

There is a very old saying that the Devil is in the Details.

Hopkins is an intelligent, well educated, and knowledgeable person who, because of a motor vehicle accident on July 7, 1990, suffered the kind of injuries one normally associates with plane crashes. He survived frontal lobe impact trauma, (which affects both speech and short term memory), injury to the brain stem (which creates a severe anxiety disorder and reactance to stress) and spinal cord and connective tissue injury in his spine.

Social Security, and the U.S. District Courts, has found Hopkins is a disabled person within the intent and meaning of social security and the ADA. It affects this action in that Hopkins was poverty stricken due to a corrupt insurance industry practice intentionally keeping his product, the Electronic Fuel Injection Fuel Preheater that can boost the fuel efficiency of any fuel injected car over 100%, off the market[30], and could not meet Northbrook's extortion demands, could not afford an attorney, and possibly have made the big mistake of placing his trust in the Illinois Courts to protect his interests as a disabled person, so while he understands what is transpiring, is fairly knowledgeable about Federal and State law, and expressive and talented in his writing, it was for purpose of due process no different than if he had "been bound and gagged" in that forcible entry proceeding by the State Court because (1) his short term memory is so poor that he cannot remember what was exactly said, just the highlights as he tries

to write it down, so he cannot create an accurate report on the proceedings even if he knew how-which Council doubts since He has no idea how to do it either, and (2) *This is in addition to the fact that both Hopkins and Northbrook knew he could not raise his federal claims as a defense to this State law Action by motion, answer, or Counter claim!* Furthermore, Hopkins doesn't speak well when stressed as he tends to be aphasic, and Hopkins does not know how to cross examine an undeposed lying witness, and easily loses track of the subject by distraction and is easily aggravated and antagonized-such impairments are not conducive to due process in "hostile Court proceedings". Hopkins does not have a good enough memory to be good liar, has accurately stated what he wrote down and recalls in the records of this case without resorting to fiction.[31] This was why in part that Hopkins subpoenaed Judge Shiffman, so as to reveal the lies by Northbrook. He is clearly not competent to represent himself, yet he was required to do so, and was held to same standard of practice as Illinois requires of its attorneys.

The Illinois Appeals Court in the first appeal thus made a serious mistake in failing to take into account that this was the appeal of a disabled person with brain damage, who had brought a prior filed civil action in State Court under federal law, which The Appeals Court then ordered dismissed without a hearing on the merits by its mandate, which can only be

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[30] Hopkins v Illinois, State Farm, and Leroy Neff, an anti trust action now on appeal as a result of Northbrook's council claiming Hopkins was a grifter who only sues people for money, see page 1.

[31] (It is a matter of record Hopkins and Judge Shiffman are not friends. Had this been a federal Court, Judge Shiffman would have had to recuse himself since 28 U.S.C. § 455(a) requires all federal judges to disqualify themselves in any proceeding in which impartiality might reasonably be questioned either on their own motion, or by motion of the party raising the issue, see Liteky v. United States, 510 U.S. 540 (1994). Hopkins asked him to recuse himself, he said no, and the Illinois Appeals Court should not ignore it.)

reasonably accounted for due to the misrepresentations and omissions of key issues of law and fact by Northbrook, that had misled the Appeals Court into not taking Judicial Notice of Hopkins v Northbrook. It is apparent to council that the Appeals Court did not see the Federal Issues in Hopkins v Northbrook that Hopkins could not otherwise raise in the State Court proceedings of Northbrook v Hopkins, thus missing the obvious 42-U.S.C.-1983 issue of a 2-619(a)(3) motion involving Federal law. It was also not apparent to Hopkins, who did not realize that the Appeals Court in this case had been misled, that the Appeals Court apparently trusted Northbrook's claim that this was just a common landlord tenant dispute. However, while the judgment may seem "just" at that time to the Appeals Court, it was constructively short sighted due to the deception, misrepresentation, omissions and deliberate misuse by Northbrook of Illinois law for ends that have denied Hopkins due process by the deliberate exclusion of the prior filed federal claims, requiring that the Mandate be withdrawn.

Council points out that there is overwhelming evidence that Hopkins had raised the fact of his Federal claims Civil Action in the proceedings of Northbrook v Hopkins, 2001-LM-2161, but there is no evidence whatsoever that the Court of Judge Shiffman ever "considered these pending issues", no evidence the Court had "adjudicated" these pendant federal claims as the District Courts would have done, no evidence the Court had allowed them to be heard as a defense, yet it is his judgment which closes the matter by order of the 4th District Court of Appeals-denying Hopkins due process of law on his federal claims. What makes the Appeals Court's action "suspect" in any reasonable persons eyes is that Almon Manson admitted to the Appeals Court in their Appellees brief that Trial Court was not in error to find them to be separate cases, claiming "*The nature of a Forcible Entry action is*

distinct from other actions for monetary damages...Given the length of time in which the litigation could continue in the other action the Circuit Court would have deprived Northbrook of its right to immediate possession of its premises pursuant to the Forcible entry and Detainer statute had the Court granted the Motion to dismiss".

Yet, this Court should note that at the same time Manson made this statement to the Appeals Court, he was also moving for dismissal on resjudicata grounds before Judge Cadigan, claiming these state and federal issues had already been adjudicated. C00168, Index line 22-26). A clear and evident fraud was being perpetrated, while at the same time Hopkins could not say a word in defense of his federal claims, and the Court would have had to have seen it if Judicial notice was taken. This misleading action of Northbrook makes the Appellate Court look dishonest to any reasonable person. The Mandate states only a "presumption" the Trial Court was correct because Hopkins had failed to file a transcript of the trial or a bystanders report. That finding of the Illinois Appeals Court is clearly based only on an inadequate record where the blame for that inadequate record was improperly placed on Hopkins because of his impairments. If Hopkins federal claims of failure to accommodate are borne out, this was a failure to accommodate on the part of the State that has denied Hopkins due process.

This preemptory state law action under this "defective" Statute, see Bank of Belleville v. Stidmire, has allowed Northbrook, due to the use of misrepresentation to totally corrupt the States Judicial process and obtain a golden parachute from their violations of State and Federal law, as Judge Cadigan dismissed the action without a hearing on the merits under 2-619(a)(4). This misuse of the State Courts is not something the State Courts can be proud of, or can allow to stand as a matter of Federal law. This case

shows that the State Courts, involuntarily from misfeasance and fraud by an unscrupulous Park operator attempting to exploit the State and Federal rules to manipulate the State Judicial process to defeat a disabled mobile home owners valid federal claims, have violated federal law that was supposed to be protecting the disabled from exploitation and discrimination!

This case had not been handled properly in conformance with the known Federal law issues in the State Courts -until the Honorable Judge Hall, who admitted he was not sure how the law applied, made a guess, and strongly suggested that this question be taken to this Appeals Court. As for the Honorable Judge Cadigan, when he dismissed under his theory of Resjudicata, he did not seem to notice that he was not determining the merits of the federal claims as the District Courts would do, as can be noted from Judge Scott's decision, Alden v Maine, and the Well pleaded complaint rule.

It is therefore very important in this case for this Illinois Appeals Court to realize that Hopkins Amended complaint and Petitions for Relief should taken here as true, and if it is possible, reviewed Denovo, since it was dismissed without a proper hearing on the merits by Cadigan, and clearly shows facts and issues of state and Federal law that Judge Shiffman obviously has passed on as not being germane, and that Judge Cadigan erroneously believed barred by resjudicata; a "horror story" which shows the State Judicial process has been totally corrupted for the sole benefit of a regulated private business in order to destroy the legally protected interests of a disabled person who dared oppose their practices.

The public Trust has been betrayed as a result-any reasonable disabled person reading[32] about this Case, if it is not corrected, will have cause to

[32] Hopkins, a very good writer as well as inventor, is writing a book about this case and his experiences in the Courts.

never trust the State Courts thereafter in that Hopkins action, filed four months prior to Northbrook's, shows unequivocally that Northbrook had unlawfully modified the terms and conditions of Hopkins lease, and unlawfully asserted destructive control over Hopkins property-as it affects a disabled mobile home owner, it was exploitation and failure to accommodate that is prohibited by the Fair Housing act and the ADA, and breaking the leases legality as defined by the regulatory statutes of the Mobile Home Park Landlord and Tenants Rights Act, and consumer protection laws in all states, so Hopkins did not have a lease to protect his interests as a disabled mobile home owner. (See People ex Rel Fahner v Hedrich). Illinois Public Policy under the Mobile Home park Landlord and Tenants Rights act has placed strict legislative limits the State Courts are supposed to enforce, that limits what terms and conditions can be dictated to lessees in mobile home parks. As a matter of State law regulating mobile home parks, and Federal law regulating public accommodations and consumer contracts, the lease was invalid, did not exist, and was not supposed to be enforceable in any legitimate Court, see Soldol v Cook County.

Furthermore, As a disabled mobile home owner, Hopkins was repeatedly denied fair and meaningful accommodations for his impairments in violation of Title III of the ADA and the fair housing act, as he was repeatedly subjected to attempted extortion, deceptive practices, theft of property, threats of bodily harm, and intimidation of witnesses.

Hopkins facts within the complaint and records of the cause, show his dog was brutally killed, that Northbrook's agents intentionally reneged on a verbal contract to sell Hopkins replacement skirting after Northbrook made Hopkins dispose of his other skirting due only to its color, and after Hopkins had brought suit, made additional threats to his health by the dumping of

garbage and debris on his lot and the adjacent lot, and made no attempts to repair the storm damaged shed. In addition, Hopkins was subjected to sleep deprivation from having his and his families vehicles secretly towed out of his driveway at night, (requiring repeated police intervention to get them back, so there are witnesses and records of these nocturnal activities) and eventually resulting in three vehicles being damaged beyond repair. Since Hopkins had already suffered a heart attack, Northbrook was clearly just trying to cause another, perhaps fatal Heart attack.

It should be noted that Northbrook then cunningly exploited the above against Hopkins in their Forcible Entry action by claiming Hopkins "did not have skirting", claiming Hopkins had failed to repair "his" shed (it was the parks) claiming Hopkins was dumping garbage in his yard, along with claims of seeing "rust" on Hopkins aluminum roof and Hopkins failure to secure a neighbors cat, as grounds to not renew the lease. (See photo of the missing skirting, wrecked shed, and "dumped" garbage used by Northbrook in court, and daughters car that was destroyed by Northbrook.) This was clearly manufacturing of evidence for a cause of action for purpose of fraud upon the Courts. (Northbrook could not use Hopkins dog, it was dead from having his head smashed in by Potts, so in trial they substituted a neighbors cat, which is why Hopkins stated he refused to tie a dead dog to a chain and had no answer to the cat issue. Hopkins did not even know of the rust claims, or cat claims before "trial" which raises Brady v Maryland type due process issues, and was not allowed to introduce the breach of contract which resulted in no skirting or allowed to raise the fact that the Shed was the parks responsibility, *because this belonged to the other action*, a Powell v Alabama Due process error. As for Hopkins failure to paint, Northbrook

changed the charge at trial to failure to paint in an approved color. None of this particular material was predisclosed, and was held back until trial.

If these facts are true, and no trial has been allowed to determine their merits, no reasonable person in their right mind could or would ever find that there had been "no violation of the law"–it was altogether absolutely inexcusable conduct that is claimed here to violate the spirit and intent of State laws regulating Mobile Home park transactions, Consumer transactions, the intent and purpose of the federal regulations of the ADA and the Fair Housing Act, and clearly constitutes a conspiracy in violation of 42-U.S.C. 1983, with their activities in the State Courts obviously intended to deny Hopkins access to the Courts on his Federal claims.

Hopkins has never had his day in Court on any of his claims, only a "hearing" based on their fraudulent claims, the judicial process limitations of Federal law in the State Courts was used as a weapon to violate his civil rights. To prove the fraud, one only needs to take an honest look at the lease and the Federal and state regulatory statutes in question, and consider Hopkins allegations versus Northbrook's claim in their action. Council does not believe that Judge Shiffman, or anyone else with any honesty, would find the lease to be valid under any circumstances. The only explanation that fits all the facts is that Northbrook's separate action was under color of the law identified as Forcible Entry, of which it is both common knowledge and common interpretation, *does not require the lease to have been valid* before it expired as a condition to bring action, see in re Rosewood Corporation V. Fisher 263 N.E.2d 833, and covers a multitude of sins as it does not take into account the landlords violation of any State and federal law, nor does it cover quasi-criminal conspiracies by unscrupulous business associates (in re Potts), in re People v Evans, 163 Ill. App. 3d 561, 516

N.E.2d 817 (1st Dist 1987), and prior filed Civil actions under State and Federal law cannot be attached by Joinder, *they just get swept away without a hearing under the theory of Resjudicata*, in re this cause. There is no actual basis to dispute that this State law Forcible Entry and Detainer Action was clearly used to supercede Hopkins Federal and state rights without a hearing on their merits, which was clearly state action in violation of 42-U.S.C. 1983 and the First Amendment-actions no amount of state case law precedent can ever justify-the law is unconstitutional in effect and form, and Northbrook's action irreprehensible under it.

Councils scrutiny of the facts of this action shows that Northbrook has ruthlessly exploited Hopkins impairments, first in modifying his lease so as to obtain control of his mobile home, then after Hopkins refused to pay extortion and reported criminal activities to the police terminated his tenancy unless he turned over his home, and then exploiting the Courts prejudices in their dealings with Judge Shiffman, who aside from the fact Hopkins and Shiffman despise and detest each other, has also been shown previously to misunderstand the applications of the ADA, and to be somewhat indifferent to the needs of the disabled, {in re Allison v Kerasotes, 4-04-0390, handed down April 20, 2005}, and before Judge Cadigan, a former state prosecutor with no experience in Federal civil law.

What has occurred in this case therefore, requires this Illinois Court of Appeals to take a good hard First and second look at all the aspects of these cases. "Certain wrongs affect more than a single right, and accordingly can implicate more than one of the constitutions commands." Soldol v Cook County, Ill, 506 U.S. 56 (1992). Hopkins, as a disabled person, was clearly denied the necessary accommodations for his impairment that would have prevented this alleged abuse of the State legal process, and can

circumstantially and with some hard evidence prove the state judicial process has been manipulated and used to rob Hopkins of his Home and his rights by unscrupulous park operators and is entitled to relief from these manipulated judgments-failure to accommodate a disabled person is a serious Federal offense, entitling Hopkins to damages just from the State alone in excess of $50.000.00, see Commissioner v Sheer.

SUMMATION

With All due respect to this Court of Appeals, there is confirmed in this combined cause a Supremacy Clause violation in which the State Courts have been used under color of State law to invalidate the enforcement of applicable Federal law in violation of 42-U.S.C.-1983 which is not sustainable in re Ex Parte Young.

It is irrefutable that Hopkins, as a qualified individual with a qualifying disability was a disabled American who held a 1st Amendment right to petition the Government for redress in the Courts for the violation of his rights under State and Federal law which the Courts must hear in a forum able to provide appropriate relief. States, while they can regulate the use and manner of the exercise of these 1st Amendment rights cannot obliterate these rights without Due Process of law, in re Johnson v Avery. For Due process to occur, there must some kind of hearing before a competent tribunal in which the opportunity to be heard and the issue properly disposed of on the merits has taken place, in re Tumey v Ohio. It is irrefutable that Hopkins, as a disabled person, brought a combined State and federal civil suit in a State Circuit Court on July 16th, 2001 as amended August 16, 2001, and that pursuant to both Johnson v Avery and Tumey v Ohio, Hopkins had a first amendment right to be heard on the merits of his claims that could not be dismissed without such a hearing on the merits of his issues.

It is irrefutable that Northbrook, defendant in Hopkins State and Federal Civil suit, became Plaintiff in a state court proceeding of Forcible Entry and Detainer in which no federal issues were raised, thus Hopkins could not remove the action from the State Court to the District Court in re Caterpillar v Williams, and could not seek review in the U.S. Supreme Court in re Dasher v Supreme Court of Texas. Furthermore, Hopkins claims under federal law could not be raised in Northbrook's state law proceeding as a defense to the action by motion to dismiss, answer or counter claim, in re Holmes v Vornado. Northbrook in their state law action did not raise and therefore could not have adjudicated in that chosen forum Hopkins federal claims, and that Hopkins could not have raised these federal claims in that chosen forum, in re Caterpillar v Williams and Holmes v Vornado. Hopkins claims under State and Federal law were thus dismissed under resjudicata even though it is irrefutable that Hopkins could not have raised his federal claims under federal rules, and it is irrefutable that Northbrook did not raise these federal issues. This is a denial of Due process.

It is irrefutable that Hopkins first amendment right to be heard on the merits of his claim was disposed of by the State on motion of Northbrook without proper due process of law as a result of Northbrook's exercise of their 1st amendment rights in a state forum lacking subject matter jurisdiction and inadequate due process safeguards. Northbrook undertook that course of action with the intent of denying Hopkins access to the Courts on the merits of his claims, exploiting his poverty and inability to meet their constantly changing demands and covered their own failures to perform, which was a violation of the 1st Amendment and is institutional denial of due process that has corrupted the Judicial process in Illinois in violation of 42-

U.S.C.-1983, entitling Hopkins to relief from Judgment, in re California Motor transport.

It would be fair and reasonable to remand for a new combined trial, with the State, and the other participants identified in the actions made also defendant, to be tried before an impartial Court and jury of peers.

Wherefore, Hopkins prays for relief consistent with this Courts opinion. So says Hopkins, by their Attorney William Shaffer.

OATH AND AFFIRMATION

We affirm that the foregoing is true except as to statements made upon information and belief, and as to those, We believe them to be true, this Appeal being made in the good faith belief that the issues are material and relevant to the cause, without purposes of obstruction, harassment, or deception. Witness our hand under the penalties of perjury this 12th day of July 2005.

Glenn J. Hopkins _____

Cindy S. Hopkins _____

By their Attorney, William Shaffer _____

Request for Certification of the Federal Questions

for U.S. Supreme Court Review

In event that this Court of Appeals is unable to properly determine the Federal issues as claimed within this cause, Hopkins respectfully requests that this Court shall certify the Federal questions for Review by the U.S. Supreme Court.

Proof of Service:

I, William Shaffer, do state on Oath that I have served a true copy of the above documents upon the Attorney of record at their office located at 205 S. 5th street. Suite 1000, Springfield Illinois 62701 on this _____by personal service.

William Shaffer _____

End of Brief-Appendix deleted for purpose of page reduction.

Appendix B:

APPENDIX
- B.-

NOS. 4-05-0186, 4-05-0435 cons.

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

GLENN J. HOPKINS and CINDY S. HOPKINS Plaintiffs-Appellants, v. (No. 4-05-0186) NORTHBROOK MOBILE HOME PARK CORPORATION, SHELIA COTTRILL, and RON COTTRILL, Defendants-Appellees.	)	Appeal from Circuit Court of Sangamon County No. 01LM2161 Honorable Robert T. Hall, Judge Presiding.
GLENN J. HOPKINS and CINDY S. HOPKINS, Plaintiffs-Appellants, v. (No. 4-05-0435) NORTHBROOK MOBILE HOME COMMUNITY, SHEILA COTTRILL, and RON COTTRILL, Defendants-Appellees.	)	No. 01L227 Honarable Donald M. Cadigan, Judge Presiding.

SUPPLEMENTAL ORDER

Pursuant to the request in our original order, defendants have filed a statement regarding attorneys fees and expenses incurred in defending this appeal. Defendants seek recovery for 38.40 hours of attorney time billed at a rate of $185 per hour for a total of $7,104.00, plus $15.00 in expenses. Plaintiffs did not file a response. Therefore, we direct plaintiffs and their attorney, William C. Shaffer, to pay defendants $7,119.00 as a sanction for bringing a frivolous appeal. Plaintiffs and Shaffer shall be jointly and severally liable for payment of this amount.

Accordingly, the judgments of the circuit court of Sangamon County are affirmed, and defendants are awarded the sum of $7,119.00 pursuant to Supreme Court Rule 375.

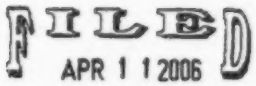
Affirmed with sanctions.

ENTERED: April 11, 2006

/s/JOHN T. McCULLOUGH
Judge

/s/JOHN W. TURNER
Judge

/s/THOMAS R. APPLETON
Judge



IN THE ILLINOIS APPELLATE COURT
OF THE 4TH DISTRICT

FILED
APR 14 2006
Clerk of the
Appellate Court, 4th Dist.

Glenn J. Hopkins,	) Justice John T. McCullough
Cindy S. Hopkins	) Justice John W. Turner*
Appellants	) Justice Thomas R. Appleton
v.	) NO.04-05-0186 and NO.04-05-0435
Northbrook Mobile Home Park-	) in re: Hopkins v Northbrook 2001-L-0227
Corporation, Sheila Cottrell,	) Judge Cadigan
Ron Cottrell	) in re; Northbrook v Hopkins 2001-LM-2161
Appellees	) Judge Hall

MOTION TO VACATE SANCTION ORDER

Now comes Glenn Hopkins and Cindy Hopkins, by way of Counsel, William C Shaffer, before this Appellate Court to move that this Tribunal shall vacate the order for Sanctions on Constitutional and federal law grounds shown below as follows:

INTRODUCTION

This tribunal, either from being misled by Northbrook's claims or lack of understanding of federal law in a state court scenario, refused in this case to adjudicate the merits of this federal cause of action in the state Courts, choosing instead to determine the merits of the issues of this cause *solely on State law grounds*.

This Court entered its order of February 21, 2006, as "a finding for sanctions" specifying that Hopkins appeal was untimely as to state law, and "frivolous", claiming that the brief was being stricken for being unacceptable, and that the Court was giving Northbrook 14 days to submit the sanctions due to them, (a reward in addition to the $6.000 dollar mobile home Northbrook had already confiscated from Hopkins under color of Judge Shiffman's orders in 2002,) to which Hopkins was to respond to within seven days- a total of 21 days. Northbrook did not file their corrected sanction request until March 13, 2006, i.e. 20 days.

As shown by the Clerks notice, Hopkins was only given time to file a Petition for Rehearing by March 14, 2006, which was 21 days. See Exhibit A.

On March 13, 2006, the same day Northbrook filed their amended sanctions order, Hopkins filed in the Appellate clerks office a Petition for Rehearing in Banc, see the copy marked as Exhibit B. The Petition was filed timely.

That Petition addressed the issues of sanctions in this case as being unlawful, clearly explaining that this tribunal has refused to consider in this case the applicable and controlling issues of federal law which made the action timely, that were clearly presented by the Appellants brief, and was fully raised, briefed, and factually supported in the joint Petitions for Relief. On April 11, this Tribunal entered an order claiming Hopkins had not responded to the issues of sanctions and therefore sanctions were granted, see exhibit A-3, which shows that this tribunal has deliberately ignored the Petition for Rehearing filed March 13, 2006.

STATEMENT OF THE CASE

This cause brought before this Appellate Court two cases from the 7th Circuit Courts in which a private business interest has intentionally used Illinois state law, policy, and procedure so as to estoppel a prior filed combined Federal and state Civil action. This is conduct that is known by this Court to be prohibited by The U.S. Supreme Court as a 1st Amendment violation, see in re: Nebbia v New York 291 U.S. 502 (1934). This Appeal therefore had posed serious Constitutional and Federal questions to this Court as to whether the State Courts of Illinois have invalidated Federal laws protecting the disabled and have permitted under color of state law policy, practice and procedure the unlawful exploitation and injury of a disabled Mobile Home owner by a Mobile Home Park operation.

The Tribunals conduct, as demonstrated by that Court tribunal ignoring the applicability of 28-U.S.C.-1367(d) to this action, clearly indicates that regardless of how well Hopkins brief had actually complied with the rules, this Court would still have found some reason to strike the brief and avoid hearing this action on the merits, a point that can be, and will be raised to the Illinois Supreme Court and if need be, to the U.S. Supreme Court, as to preclusive prejudice.

REBUTTLE OF THE ORDER FOR SANCTIONS

-1-

There was no legitimate basis for sanctions based on Hopkins Petitions for relief and the appeal to this State Court Tribunal, as Federal law must always overrule State laws in state court actions whenever the Federal law applies, see in re Silkwood v Kerr-McGee Corp. 464 U.S. 238 (1984):

"If Congress has not entirely displaced state regulation over the matter in question, state law is still pre-empted to the extent it actually conflicts with federal law, that is, when it is impossible to comply with both state and federal law, ... or where the state law stands as an obstacle to the accomplishment of the full purposes and objectives of Congress,"

Whatever a particular State legislature or its state Courts may have intended by the enactment of a particular state law or judicial policy, it's intended effect is of no consequence when that state purpose would frustrate or interfere with the enforcement of an applicable federal law, see in re Free v Bland, 369 U.S. 663:

"The relative importance to the State of its own law is not material when there is conflict with a valid federal law, for the framers of the constitution provided Federal Law must prevail."

State Courts thus presented, as this Tribunal clearly was in this case, with combined Federal and State Law issues involving 42-U.S.C.-1983, do not have the constitutional right to arbitrarily chose to ignore the applicable federal law raised

before them, and cannot at any time choose to adjudicate the merits of federal law claims under state laws, see in re WILSON v. GARCIA, 471 U.S. 261 (1985), *"the characterization of the nature of the right being vindicated under 1983 is a matter of federal, rather than state, law"* and see Alden v Maine, 527 U.S. 706 (1999):

> *"A State's constitutional privilege to assert its sovereign immunity in its own courts does not confer upon the State a concomitant right to disregard the Constitution or valid federal law."*

As the Rule 23 order of Exhibit B, (Petition for Rehearing, Appendix B) clearly shows, this Court of Appeals Tribunal has sanctioned Hopkins and Counsel allegedly in retaliation for Hopkins having opposed discrimination by the Courts of this State, Claims that are supported by the Case facts that indisputably show that;

(1) Hopkins had filed two petitions for relief from judgment in the two state Courts on proven federal law grounds, that conclusively proved to any reasonable person that Hopkins federal rights had been negligently violated by both the State Courts, and the 4th District Court of Appeals tribunal in re the exhibit attached as exhibit B, Petition for rehearing, Appendix A. and;

(2) Hopkins, acting upon the advice of the District Court in that proceeding, (see Exhibit B, Petition for rehearing, Appendix C, page 16,) brought these concurrent petitions in the state courts under 42-U.S.C.-1983 because the District Court had refused to hear the federal claims in the District Court based on a theory the action under 1983 in the District Court could or would interfere with the effectiveness of the State Courts judgments in a way prohibited under Rooker Feldman.

As the Rule 23 order of Exhibit B, (Petition for Rehearing, Appendix B) clearly shows, This Court of Appeals found that Hopkins right to file a petition for relief in the Forcible Entry action had expired as a matter of state law, claiming the

Petition was not timely, while ignoring 28-U.S.C.-1367(d), then issued sanctions based in part on Hopkins having filed "a District Court action" instead of Appealing the dismissal of the Civil Action after it was discovered to have been dismissed without notice and it was too late to appeal, that deprivation of due process being a part of the District Court action which was admittedly dismissed exactly 30 days prior to Hopkins filing of their State Court petitions for relief as suggested by the District Court, (see Exhibit B, Petition for rehearing, Appendix C, page 16,) which is direct evidence of the applicability of 28-U.S.C.-1367(d) to this action that modifies the states statute of limitations in this case!

The Court of Appeals tribunal has either been misled by Northbrook, or knowingly ignored the federal rule embodied in 28-U.S.C.-1367(d) that modifies the states statute of limitations, see in re JINKS V. RICHLAND COUNTY, 538 U.S. 456 (2003). The reason given to explain this Tribunals action was that the District court had found Hopkins action frivolous, but this claim fails to take into account why the District Court suggested further state court action under 2-1401, which can be found in Exhibit B, Petition for Rehearing, appendix C, page 16.

Counsel points out the natural consequence of this Appellate Courts intentional disregarding federal law, (if it was by intent) is that there has been yet another violation of another federal law, 42-U.S.C.-1985, which if not corrected has additional consequences for the state of Illinois see in re 42-USC-1986.-Action for neglect to prevent:

"Every person who, having knowledge that any of the wrongs conspired to be done, and mentioned in section 1985 of this title, are about to be committed, and having power to prevent or aid in preventing the commission of the same, neglects or refuses so to do, if such wrongful act be committed, shall be liable to the party injured, or his legal representatives, for all damages caused by such wrongful act, which such person by reasonable diligence could have prevented; and such

damages may be recovered in an action on the case; and any number of persons guilty of such wrongful neglect or refusal may be joined as defendants in the action."

This Court of Appeals was in error of law in finding Hopkins should not have filed that action in the district Court after they had been denied notice of the dismissal of the civil action within time to appeal, as Congress has mandated that parties with combined Federal and State law claims have the right to go to the District Courts, see in re Gully v First Nat. Bank in Meridian, 299 U.S. 109-112 (1936); *"A federal question exists where a right or immunity created by the Constitution or laws of the United States is an element essential to the Plaintiff's cause of action." Furthermore, this Court overlooked that* **Access to the federal Courts is a matter of right when Federal rights have been violated by a state Court**, a right clearly supported by Mitchum v Foster 407 U.S. 225, 242 (1972); "the very purpose of 1983 is "*to interpose the federal courts between the states and the people as guardians of the peoples federal rights."*

Contrary to Northbrook's misleading claims and the District Courts final 2nd opinion, Hopkins violated no laws when they first took this matter to the District Courts under 42-U.S.C.-1983 on December 8, 2003, see in re; Patsy v. Board of Regents of Fla., 457 U.S. 496, 507 (1982). (*Exhaustion of state administrative remedies is not a prerequisite to an action under 1983.* Pp. 500-516.) Regardless of the District Courts final judgment of April 20, 2004 regarding the action as "frivolous" under the 11th amendment (Which the District Court was clearly in error about, see Tennessee v Lane, 539 U.S. 941 (2004), and finding state Court judgments are resjudicata to actions under 42-U.S.C.-1983 under Rooker Feldman, which contradicts Patsy v. Board of Regents of Fla., 457 U.S. 496, 507 (1982),

there was no basis for the cause of action to be considered as frivolous- why else did that Court suggest a 2-1401 action in the State Courts?

While this Court apparently disagrees, Congress has declared that if the District Court chooses, as that court of Judge Scott did in this case, (see Exhibit B, Petition for Rehearing, Appendix C,) to not exercise jurisdiction for any reason, see 28-U.S.C.-1367(a), the parties then have 30 days from the final judgment of the District Court to pursue their claims in the State Courts, see Testa v Katt, 330 U.S. 386 (1947), under 28-U.S.C.-1367(d). This federal law 28-U.S.C.-1367(d) was found constitutional by a unanimous U.S. Supreme Court, and it is now a matter of Stare Decisis that all states must apply, in re; JINKS V. RICHLAND COUNTY 538 U.S. 456 (2003).

What this means in this cause instant as to the Statute of limitations on actions under 735-ILCS-5/2 1401 is that only Congress can mandate an exemption to a federal law, such as Congress did with the McCarran Ferguson Act regulating the business of insurance by the States. State Courts, such as this Court of Appeals, cannot therefore pick and choose as to what state actions and procedures are exempt from the tolling effect of 28-U.S.C.-1367(d). With no exemption created by Congress, this Court of Appeals mistaken disregarding of the federal issue of 28-U.S.C.-1367(d) in this case looks either incompetent, or biased, and constructively acts to prevent the intent and purpose of federal law from being effected against a favored special interest, which is a complete defeat of due Process that is in conflict with U.S. Supreme Court policy established in re Tumey v Ohio, 273U.S. 510. (Need for an impartial tribunal- The U.S. Supreme Court has repeatedly held state proceedings deficient as to fair due process safeguards "to violate due process " when a party has been deprived of well established statutory

or common law state or federal rights or protections, as a *protection against arbitrary and inaccurate adjudication)*

This Tribunals action in response to this motion and the Petition for Rehearing in Banc will either confirm that this Court has again been misled, or confirm that the Tribunal has acted with misfeasance in retaliation for Hopkins opposing discrimination.

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This Court of Appeals has ignored in this case a proven conspiracy to violate Civil rights using this State's Courts. Not relying on the Appellants brief which has been stricken, Hopkins had shown on joint Petitions for relief that Judge Shiffman, Judge Cadigan, and the Honorable Judges of the 4th District Court of Appeals have made serious errors of interpretation and application of Federal law concerning this action *as a clear consequence of Northbrook's misfeasance*, which is defined by the U.S. Supreme Court as a tort arising from the intentional use of a law or privilege for unlawful purposes, see in re Bennis v. Michigan, 517 U.S. 1163 (1996), along with concealments and misrepresentations, affecting the validity of these State Court Judgments.

As any law student knows, *this Appellate Court knew*, and both Hopkins and Northbrook Council knew, in our bifurcated Federal and State Judicial systems, the applicable Federal rule on any issue is supreme as a matter of constitutional agreement, and that as a matter of Federal practice rules it is common knowledge that; **(a)** Issues of Federal law can be raised in State Courts, and when they are raised in a State Court, must be determined as the federal Courts do, (ALDEN V. MAINE, 527 U.S. 706 (1999). **(b)** Issues of federal law must be raised by complaint, (Caterpillar Inc. v. Williams, 482 U.S. 386, 392 (1987). **(c)** Issues of federal law cannot be raised

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by Motion to dismiss, answer or counterclaim, (Holmes v Vornado, 534 U.S. 1016 (2001). **(d)** State laws that invalidate or supercede applicable federal laws are preempted. (Silkwood v Kerr-McGee Corp. 464 U.S. 238(1984). **(e)** Actions taken by a private party under color of state law intended to invalidate the enforcement of applicable federal law is a violation of 42-U.S.C.-1983, (Lugar v Edmondson Oil Company Inc. 457.U.S. 922). **(f)** Judgments obtained by private parties in state courts under color of state law that deny another party access to the Courts on federal claims are "corrupted" under the Supremacy Clause and subject to vacating under the 1st Amendment, (California Motor Transport, 404 U.S. 512-513 (1972).)

The Tribunal has completely refused to consider the controlling issues of federal law on the issue of misfeasance and deception in this case, which if it is due to a mistake, should be immediately changed, and if it is an acceptable State Court practice in the 4th District, it is unconscionable.

-3-

The Tribunal overlooked that when it was pointed out on petition for relief that notice of the judgment had not been served in time to file an appeal, Judge Cadigan improperly justified this failure or refusal of the State to serve notice timely on the singular rational that it was a matter of Illinois Supreme Court policy that has shifted the burden from the State to serve notice, to where Hopkins had an obligation to check his case for judgments just like all attorneys are required to do under Illinois law, in re Mitchell v Fiat Allis, 158 Ill. 2d 143, 632 N.E.2d 1010, 198 Ill. Dec. 399. This Appeals court ignored this fact, claiming Hopkins should have appealed, not filed a district court action or 2-2401 petition.

Hopkins is not an attorney, was not represented by Council at the time, and this failure to serve him notice was a failure to accommodate a disabled person that

has denied him access to the Courts of Appeal. Judge Cadigan could not justify the denial of the petition as a matter of due process because the State Supreme Court cannot allow its circuit clerks to refuse or fail to serve written notice of judgments without providing a post deprivation remedy for a disabled pro-se litigant.

The fallacy behind Judge Cadigan's logic is that States simply cannot choose to shift the burden to serve fair and adequate notice under color of regulating attorneys and so null the Due process requirement to serve notice, and cannot delegate to their agency subdivisions the power to violate constitutional rights to due process, as states cannot delegate power the States do not have under the supremacy clause, see Associated Industries of Missouri v Lohman, 114 S. Ct. 1815, 128 L. Ed. 2d 639 (1994). It is pointed out that the Supreme Court of Illinois, while it has a great deal of legitimate say about the validity and applicability of its rules governing the State Courts, that Court has no power itself to determine just what the definition of Due Process is, that is strictly the purview of the U.S. Supreme Court. The U.S. Supreme Court has already clearly defined that Due process requires written notice be served within a reasonable time to respond. See In Re Gault, 387 U.S. 1, (1967).

The Supreme Court of Illinois furthermore does not have the power to deny a post deprivation remedy from denials of Due process, also as a matter of United States Supreme Court policy, see Hudson v Palmer, 468 U.S. 517 (1984) (States must provide post deprivation of rights relief as a matter of due process.)

Hopkins, as a disabled indigent at the time acting pro-se, was clearly denied due process by this failure or refusal to serve proper written notice of the judgment within time to appeal by the State as defined by the U.S. Supreme Court, and was thereafter denied access to the Courts of Appeal, and having properly raised their

claims on Petition for Relief, they were entitled to relief from this failure to accommodate that has denied them due process under the Code of Civil Procedures section 2-1401, 42-U.S.C. 1983, and the ADA.

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According to the Tribunal, Hopkins Appellants Brief was required to be struck as Hopkins counsel did not file a "proper brief" that sufficiently complied with Illinois Supreme Court Rule 341(a) to be heard; the Tribunal enumerating these "defects" to justify their actions based on Northbrook's claims, quoted and rebutted as follows below;

(a) The Tribunal claims Hopkins had filed an appellant's brief that consisted of 67 single sided pages on 8 1/2 inch by 11 inch paper, which exceeded the 50 page limitations of "printed briefs" under Rule 341(a). That tribunal stated Hopkins claims are unfounded as to the 75 page limitation actually applying to the types of briefs that are made on single sided 8 ½ inch by 11 inch paper. That tribunal stated there was no authority specifying the 50 page rule applied only to printed double sided pages book type briefs. *(see exhibit B, Opinion, page 6 to 7).*

In rebuttal, *Counsel suggests that this Court take a good look at* ***Ill. Sup. Ct. Rule 344(b), Form of Briefs and Abstracts.***

"If printed, the brief shall be on paper 6¾ by 10 inches in type not smaller than 11 point. *Footnotes are discouraged.* ***If not printed, the brief shall be legibly and neatly produced on paper 8½ by 11 inches****, securely bound on the left side, double spaced, with the text in type not smaller than standard elite typewriting and not to exceed 6 inches by 8½.*

It does not say footnotes are also discouraged in the second type of printed brief. Since the U.S. Supreme Court does make it clear that there is a difference

between the two types of "printed briefs", it is a question that definitely should be reconsidered by the Tribunal, and;

(b) The Tribunal claims Hopkins brief has used "unnecessary" footnotes, *(Exhibit b, Opinion page 13).* In rebuttal, the footnotes were used primarily to define and support the federal issues. Ill. Sup. Ct. Rule 344(b) doesn't contain any restriction of the use of footnotes in the 75 page non printed briefs on 8 ½ by 11 inch paper. The logic however followed by the tribunal would allow the striking of any appellant's brief that used more than one footnote if the Court did not like the information contained within, which is unwarranted censorship in violation of the first Amendment. It is a question that definitely should be reconsidered by the Tribunal, and;

(c) The Tribunal claims Hopkins brief used "excessive" detail in over defining the issues of the appeal, *(exhibit B, Opinion page 8).* In rebuttal, this is a judgment that has failed to take into account the interaction of federal law in the state courts, which are very complex, which the rules did not in any way anticipate or account for, the brief was made this way only for honestly showing the proper application of Federal law in the State Courts in good faith. It was not intended to prejudice Northbrook or disparage the State Court. It is a question that definitely should be reconsidered by the Tribunal, and:

(d) The Tribunal claims the points and authorities were "over defined" and failed to cite the page numbers, *(Exhibit B, Opinion page 8).* In rebuttal, the points and authorities cite the cases in support of the point, and quotes the rule of law applicable to each case citation so that the Court of Appeals would be able to understand both its context and proper application to this action, and the citation

for each case was already listed in the table of authorities with the referenced page number. It is a question that definitely should be reconsidered by the Tribunal, and;

(e) A Court of Appeals tribunal faced with adjudicating the merits of federal law claims in the state court, in which the Court itself must face it's own errors in violation of federal law, that instead chooses to determine the merits of the cause based only on the technical proficiency of a pleading under state law rules rather than on the substantive merits of the federal claim itself, has constructively abused its discretion and overridden federal law in violation of the Supremacy clause as such acts constitute a deliberate refusal to hear the federal issues on their proper merits. It is a question that definitely should be reconsidered by the Tribunal, and;

The Appeals Court in striking the brief due to claimed technical faults, did choose to ignore the federal issues on grounds the issues were supposedly frivolous based only on Northbrook's misleading claims and misreading of the District Courts second opinion, apparently overlooking the first opinion, thus providing a kind of appeal tinged with sufficient bias that it is prohibited conduct by the U.S. Supreme Court as defined by Tumey v Ohio, 273U.S. 510. See also on this issue, Degan v United States, 517 U.S. 820 (1996); *"A courts dignity derives from respect accorded it's judgments...That respect is eroded, not enhanced by excessive recourse to rules foreclosing consideration of claims on the merits"* This Courts treatment of Hopkins has, from Counsels study of the case, always has been an excessive recourse to the rules instead of considering their claims on the merits.

That is why Counsel made the brief similar to that used in the Federal courts, simply because of the complex interaction of State and Federal law in the combined cases which was only brought in this manner to fairly explain to this tribunal the errors of the past. With all due respect, Counsel received in this case

the impression that regardless of how perfect the brief itself could have been, this Tribunal would have found something to justify throwing it out, so It is a question that definitely should be reconsidered by the Tribunal, or it could be considered by the Illinois Supreme Court in the public interest to prevent Appellate Court misfeasance or error.

Summation

It is irrefutable that Hopkins first amendment right to be heard on the merits of his claim was disposed of by the State on motion of Northbrook without proper due process of law as a result of Northbrook's exercise of their 1st amendment rights in a state forum lacking subject matter jurisdiction and inadequate due process safeguards. The complete record shows irrefutably that Northbrook undertook that course of action with the intent of denying Hopkins access to the Courts on the merits of his claims, which was a violation of the 1st Amendment, in re Nebbia v New York, 291 U.S. 502 (1934), and the Court of Appeals refusing to consider the federal issues in their proper light is clearly a denial of due process that in this case, has corrupted the Judicial process in Illinois in violation of 42-U.S.C.-1983, entitling Hopkins to relief from Judgment, in re California Motor transport, 404 U.S. 512-513 (1972).

There was no actual basis for sanctions, only possible grounds for amendment of the brief after it was stricken.

If this Court disagrees with Plaintiffs contentions, then it should certify these issues as a question for review before the Illinois Supreme Court and the U.S. Supreme Court.

OATH AND AFFIRMATION

We affirm that the foregoing is true except as to statements made upon information and belief, and as to those, We believe them to be true, this Petition being made in the good faith belief that the issues are material and relevant to the cause, without purposes of obstruction, harassment, or deception.

Witness our hand under the penalties of perjury this 14th day of April, 2006.

Glenn J. Hopkins

Cindy S. Hopkins

William Shaffer

Proof of Service

I, William Shaffer, do state on Oath that I have served a true copy of the above documents upon the Attorney of record at their office located at 205 S. 5th street. Suite 1000, Springfield Illinois 62701 on this 14th day of April, 2006, by personal service.

William Shaffer

APPENDIX C

-Verified STATEMENT OF THE CASE FACTS -

(1.) Glenn J. Hopkins was a disabled Mobile home owner, and with his spouse, entered into a lease agreement for one of several available mobile home park lots owned by Respondent on March 24, 2001. Hopkins selected lot 73 on March 26, 2001, moved their mobile home into the park on March 29, 2001. (R.A. C000029, 38, and C000100, Index lines 2-7, and Hopkins v Northbrook, 2001-L-0227 Amended Complaint)

(2.) Northbrook retained control of the lease Documentation until Hopkins had moved the mobile home in, and subsequently thereafter modified the terms and conditions of the Hopkins original signed lease agreement from the Statutory 12 months as required under 765-ILCS-745/6, to seven months, and imposed handwritten conditions of continued tenancy that was specific only to Hopkins tenancy, without the prior knowledge or the consent of Hopkins, and thereafter served Hopkins a copy of this modified lease agreement on April 6, 2001, after Hopkins had moved in and had no funds to relocate. *There was no valid lease to the premises.* (R.A. C000100, Index lines 7-17 and Hopkins v Northbrook, 2001-L-0227 Amended Complaint S.R.A.C00059).

(3.) June rent was due June 1, 2001, and was paid on June 6, 2001. Northbrook thereafter demanded a late fee of $60.00 on June 10, 2001, claiming entitlement pursuant to terms of the lease, which Hopkins refused to pay, stating it was unlawful, and reported this matter to the Attorney General of Illinois. Northbrook canceled the skirting deal in retaliation. (R.A. C000100, Index lines 17-21, C000101, index lines 6-9, and Hopkins v Northbrook, 2001-L-0227 Amended Complaint).

(4.) On June 27, 2001, Hopkins witnessed and reported to police an act of property damage on another tenant's property by Brandon Potts, an alleged business associate of Respondents operating Pine Ridge Mobile Home Sales. Potts then gave notice of eviction of Hopkins in retaliation for Hopkins calling the police, claiming the cause would be for not having painted the home in managements chosen color, not having skirting, and quoting the terms of the lease as if he were a party to them.[33] (R.A. C000101, Index lines 10-18, and Hopkins v Northbrook, 2001-L-0227 Amended Complaint S.R.A.C00068.)

(5.) Northbrook agents Ron and Sheila Cottrell subsequently that same day again demanded payment again of the late fee, then after it was refused, served verbal notice to move the home by the end of the month or Hopkins

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[33] Potts has robbed, assaulted and battered Hopkins before when he managed another park, see C000269-272.

was to surrender title to their home[34], stating as cause the very same claims of failure to perform pursuant to terms of the lease as had Potts. (R.A. C000101, Index lines 19-24, and Hopkins v Northbrook, 2001-L-0227 Amended Complaint)

(6.) This verbal Notice of retaliatory eviction was followed by a written notice from the Council identified as Beth Wilkie on July 5, 2001 stating in writing the very same allegations. Note: The mobile home had been green and white tone when it was moved in, Northbrook had required it to be repainted solid gray, until they and Potts changed their minds[35], and then claimed the home had not been painted, and there was no skirting in that Northbrook breached an agreement to supply replacement skirting on June 10, 2001. Glenn Hopkins, a disabled person, unable to move his home, had such a severe anxiety attack that it caused a heart attack on July 11, 2001. (R.A. C000101, Index lines 24-28, and Hopkins v Northbrook, 2001-L-0227 Amended Complaint S.R.A.C00059)

(7.) Hopkins subsequently filed a Pro-Se Civil Action in the Seventh Circuit Court of Illinois for damages in excess of $50.000, and to enforce *allegedly protected* interests under both State and Federal laws against Northbrook on July 16, 2001. (R.A. C000101 Index line 30, C000102, index line 3)

(8.) While that action was pending hearing on a motion to amend and a preliminary Injunction for the protection of Hopkins property from an intervention action under the Forcible Entry and Detainer Act, Northbrook agents commenced dumping garbage and debris on Hopkins lot and the adjacent lot, threatening other tenants with eviction to intimidate witnesses, killing Hopkins dog "Buddie" by beating it to death while it was on a chain, and ordering wrecker services to seize Hopkins motor vehicles at night, thus repeatedly requiring police intervention to get them back, with three vehicles, a 1984 ford truck owned by Cindy Hopkins that was returned with sand in the oil pan that had destroyed it's engine, a 1989 Dodge Colt also owned by Cindy Hopkins (*to replace the truck*) that was returned without it's computer, and a 1985 Chevy Beretta that belonged to Serina Hopkins, (daughter) that was returned with a hole torn in its drivers side door and the transmission housing cracked, resulting in the total loss of the vehicles. (R.A. C000102, Index lines 4-5) (S.R.A.C00286)

(9.) Northbrook Council Manson, Lahr, and Beth Wilkie then brought a separate action for possession under color of the Illinois Code of Civil

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[34]Northbrook has used the Forcible entry action to obtain possession of the home, and demanded the title for "court costs".

[35]one of many examples of Direct evidence of perjury the Appeals Court has "*objected to*," appendix c, page 50.

Procedures Forcible Entry and Detainer act, 735 ILCS 5/9-102/a (4) on November 2, 2001, which is the matter of Northbrook v Hopkins, 2001-LM-2161 that is also before this Court in this appeal. (R.A. C000001) Appendix B, H,

(10.) In that intervening action Hopkins, acting Pro-se, filed a combined Motion to dismiss under Illinois Code of Civil Procedures sections 2-619(3) and Section 2-615. These motions clearly disclosed that Northbrook was a defendant in a prior civil action brought by Hopkins as a disabled person entitled Hopkins v. Northbrook, 2001-L-0227 filed July 16, 2002, raising by Judicial Notice {That the action was under The Mobile Home Park Landlord and Tenants Rights Act, 765- ILCS-745/1 et seq., The Consumer Fraud and Unfair Business practices Act 815-ILCS-505/2, and the Americans with Disabilities Act, 42-U.S.C. 12181.} Under Section 2-619(a) (3) Hopkins had claimed "That there is another action pending between the same parties for the same cause" which required that the second action between the same parties for the same cause was to be dismissed if a hearing of it would create a collateral estoppels bar to the prior filed cause, and disclosed under section 2-615 that Northbrook did not have a legitimate cause of action in that the lease was not valid, enumerating 5 specific provisions in the lease and its associated park rules that were in prima facie and unequivocal violation of the act, so that lease could not be enforced as a matter of law or equity under 765-ILCS-745/1. It was further alleged as clearly apparent that this second action was one of reprisal in violation of 765 ILCS 745/16, because filing a complaint in a Court meets (b) "As a reprisal for the tenant's good faith complaint to a governmental authority..." (R.A. C000102, Index lines 9-21)

(11.) Northbrook, represented in Northbrook v Hopkins 2001-LM-2161 by Beth Wilkie, with the assistance of Councils Manson and Nicholson who were also handling the first action, Hopkins v Northbrook 2001-L-0227, filed a response claiming Section 2-619(A) (3) did not apply to Forcible Entry actions as a matter of Illinois Supreme Court Policy, that the issue of validity of the lease and the park rules was properly matters for their trial, stating a superior right of action. (R.A. C000102, Index lines 22-30, C000045-47).

(12.) Judge Shiffman, Trial Court of Northbrook v Hopkins, 2001-LM-2161, while knowing Hopkins was impaired, refused to recuse himself, did not provide an attorney, denied Hopkins access to a Court reporter unless he could pay for it in advance. On December 20, Judge Shiffman denied the Motions to Dismiss without recording his reasons for his denial in the common law record. Hopkins recalls Judge Shiffman commenting that the issues of Federal disability law and the numerous state law violations of the Mobile Home Park Landlord and tenants Rights Act were not germane to this action of Forcible Entry, claiming that "*the lease did not have to be*

valid in order for Northbrook to bring action when the lease expired of its own limitations based on Fisher. When Hopkins pointed out that this would result in dismissal of Hopkins action under Resjudicata, Judge Shiffman stated that "Hopkins was to take the issues of Northbrook's violations of law up with the other Court", Judge Shiffman citing People v Evans, *but not recording that fact in the record.* (R.A. C000103. Index lines 4-15)

(13.) A bench proceeding was held on January 2, 2002 with only the Court judge, Beth Wilkie, Sheila Cottrill, and Glenn Hopkins present. Hopkins issues related to the prior cause were precluded "as belonging to the other action" and not Germane, thus Hopkins could not "prove" his affirmative defenses. Judgment was then entered for possession to Northbrook in that summary Bench proceeding without any method to record those proceedings.

(14.) Northbrook Council Almon Manson, in the hearing held on January 7, 2002 before Judge Cadigan, then verbally[36] moved to dismiss the civil action Hopkins v Northbrook 2001-L-0227 claiming there was resjudicata from the January 2, 2002 judgment. (In subsequent pleadings Manson represented the federal issues as having been raised and adjudicated, and that Hopkins had appealed Judge Shiffman's decision on January 23, 2002. Opinion, October 16th, 2002. See R.A. C000092.)

(15.) While Hopkins was appealing this decision of Judge Shiffman, Hopkins was not permitted to move his mobile home without paying the attorney fees *of both actions* by verbal order of Judge Shiffman on February 25, 2002. *Northbrook requested the title from the Court, and Hopkins refused,* and while Hopkins mobile home was kept in the park pursuant to Judge Shiffman's verbal order, Potts and Northbrook park management stripped the home of its furnace, washing machine and dryer, water heater, stove, refrigerator, electrical outlets, ceiling fans, leaving the home an empty shell full of Garbage, and utterly uninhabitable without paying thousands of dollars in repairs, resulting in total loss of the property and a complaint of Judicial misconduct being filed against Judge Shiffman and the Court of Appeals. (R.A. C000320-321)

(16.) On November 17, 2003, 30 days after denial of Hopkins petition of Certiorari, (S.R.A.C00249) Hopkins discovered that Hopkins v Northbrook had been dismissed without notice on August 28, 2003 by order of Judge Cadigan.

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[36] Had Manson filed a paper motion, Hopkins could then have filed a motion to vacate *due to the proof of the conspiracy.*

(17.) Hopkins brought an action in the Federal Courts under Title II of the ADA, and 42- U.S.C. -1983 on December 8, 2003, R.A. C00197 Index lines 4-9. The District Court dismissed on 11th Amendment and Resjudicata grounds, stating *Hopkins only recourse was a petition for relief in the state courts*. Hopkins filed a rule 59 Motion to reconsider, Relief was denied on April 20, 2004, that Court declaring the action was frivolous and threatened sanctions. R.A. C000188-215 and 223-226.

(18.) Hopkins filed joint petitions for relief in the state court on May 20, 2004 pursuant to Title 28 U.S.C. §1367(d.) Judge Shiffman, when apprised of his part in a federal civil rights conspiracy violation, exercised the right to remain silent, choosing not to confirm or deny the issues of federal civil rights violations in the petitions. (R.A.C00498-504).

(19.) The 2-1401 petitions for relief were then denied. Hopkins appealed, and moved to consolidate the two actions so as to straighten out this conflict of state and federal law and the fraud upon the court.

(20.) Hopkins appeal was denied fair and meaningful review by the Appeals Court and Hopkins was sanctioned for petitioning for relief and then appealing that denial based on the District Courts judgment, *when that District court had clearly stated Hopkins should file a petition for relief* in the state Courts.

No.06-1252

IN THE

SUPREME COURT OF THE UNITED STATES

Glenn J. Hopkins, Cindy S. Hopkins, Petitioners

VS

Northbrook Mobile Home Park Corporation, Respondents

MOTION FOR LEAVE TO FILE APPENDIX

Now comes Petitioners Pro-se to move that this Court shall grant leave to file the three copies of the Appendix to support the Petition to Reconsider Denial of Certiorari, the material within being believed relevant and material to the issues in controversy.

OATH AND AFFIRMATION

We affirm that the foregoing is true except as to statements made upon information and belief, and as to those, We believe them to be true. Witness our hand under the penalties of perjury, this 3rd day of June, 2007.

Glenn Hopkins, _____

Cindy Hopkins _____